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United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

Report by the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 58/73 of 9 December 2003. It covers the implementation of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law during the biennium 2004-2005 and provides guidelines and recommendations for the execution of the Programme for the biennium 2006-2007.

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Contents

		Paragraphs	Page
I.	Introduction	1–2	3
II.	Implementation of the Programme during the biennium 2004-2005	3–39	3
	A. Activities of the United Nations	3–38	3
	1. International Law Seminar	3–6	3
	2. International Law Fellowship Programme	7–12	4
	3. Regional courses	13	5
	4. Activities of the Office of Legal Affairs	14–31	5
	(a) Public international law and other activities	14–19	5
	(b) Activities concerning the law of the sea and ocean affairs: the Hamilton Shirley Amerasinghe Memorial Fellowship	20–25	7
	(c) Activities concerning international trade law	26–28	7
	(d) Activities concerning treaty law matters	29–31	8
	5. Publications	32–37	9
	(a) United Nations Treaty Collection	32	9
	(b) *United Nations Juridical Yearbook*	33	9
	(c) *United Nations Reports of International Arbitral Awards*	34	9
	(d) *Repertory of Practice of United Nations Organs* and *Repertoire of the Practice of the Security Council*	35	9
	(e) Other publications	36–37	9
	6. Distribution of United Nations legal publications	38	10
	B. Activities of the United Nations Institute for Training and Research	39	10
III.	Guidelines and recommendations regarding the execution of the Programme in the biennium 2006-2007	40–55	11
	A. General observations	40–42	11
	B. Activities of the United Nations	43–55	11
IV.	Administrative and financial implications of United Nations participation in the Programme	56–68	13
	A. Biennium 2004-2005	56–65	13
	B. Biennium 2006-2007	66–68	14
V.	Meetings of the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law	69–79	14
	A. Membership of the Advisory Committee	69	14
	B. Consideration of the reports of the Secretary-General by the Advisory Committee at its thirty-ninth and fortieth sessions	70–79	15

I. Introduction

1. The General Assembly, by its resolution 58/73 of 9 December 2003, authorized the Secretary-General to carry out in 2004 and 2005 the activities specified in his report on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law (A/58/446). In paragraph 14 of the resolution, the Assembly requested the Secretary-General to report to it at its sixtieth session on the implementation of the Programme during 2004 and 2005 and, following consultations with the Advisory Committee on the Programme, to submit recommendations regarding the execution of the Programme in subsequent years.

2. The present report covers the implementation of the Programme during 2004 and 2005 in accordance with the guidelines and recommendations contained in the report of the Secretary-General (ibid.). The present report, inter alia, gives an account of the activities performed by the United Nations itself and of those in which the Organization has participated, as well as a description of contributions made by the United Nations Institute for Training and Research (UNITAR). However, unless otherwise indicated, specific information included in the present report refers to activities during 2005. Information for the year 2004 was included in the interim report of the Secretary-General dated 29 September 2004.[1]

II. Implementation of the Programme during the biennium 2004-2005

A. Activities of the United Nations

1. International Law Seminar

3. The forty-first session of the International Law Seminar was held at the Palais des Nations in Geneva from 11 July to 29 July 2005 during the fifty-seventh session of the International Law Commission. Twenty-four candidates (13 males and 11 females) were selected and participated in the 2005 Seminar. Participants were from Belgium, Benin, Canada, China, Colombia, the Congo, the Czech Republic, Finland, Germany, Ghana, India, Indonesia, the Islamic Republic of Iran, Jamaica, Lithuania, Malaysia, Mali, Mexico, Nepal, New Zealand, Nigeria, Norway, Togo and the United States of America.

4. The Seminar is funded by voluntary contributions from Member States and through national fellowships awarded by Governments to their own nationals. Fellowships were made available to participants, in 2005, by the Governments of the Czech Republic, Finland, Germany, Mexico, New Zealand, Sweden and Switzerland. With the award of the fellowships, it was possible to achieve adequate geographical representation of participants and to select deserving candidates who would otherwise have been prevented from participating in the Seminar. For the 2005 session, full fellowships (travel and subsistence allowance) were awarded to 10 candidates and partial fellowships (subsistence or travel only) to 6 candidates.

5. The Seminar was opened by the Chairman of the International Law Commission, Djamchid Momtaz. Ulrich von Blumenthal, Senior Legal Adviser of

the United Nations Office at Geneva was responsible for the administration, organization and conduct of the Seminar.

6. The following lectures were given by members of the Commission: "Unilateral acts" (V. Rodríguez Cedeño in cooperation with M. I. Torres Cazorla); "Diplomatic protection" (J. Dugard); "Advisory opinion of the International Court of Justice of 9 July 2004" (D. Momtaz); "International liability of acts not prohibited by international law" (P. S. Rao); "Shared natural resources" (C. Yamada); "Fragmentation of international law" (M. Koskenniemi); and "Responsibility of international organizations" (G. Gaja). Lectures also were given by others: "The work of the International Law Commission" (A. Pronto, Legal Officer, Office of Legal Affairs); "International refugee law — Recent developments" (V. Cochetel, Office of the United Nations High Commissioner for Refugees (UNHCR)); "The World Trade Organization dispute settlement system" (Y. Renouf, Legal Adviser, World Trade Organization); and "The work of the Human Rights Committee" (M. Schmidt, Office of the United Nations High Commissioner for Human Rights (OHCHR)). Study visits were organized to the European Organization for Nuclear Research and Palais Wilson.

2. International Law Fellowship Programme

7. In paragraph 2 (a) of its resolution 58/73, the General Assembly authorized the Secretary-General to award a number of international law fellowships in both 2004 and 2005, to be determined in the light of the overall resources for the Programme of Assistance and to be awarded at the request of Governments of developing countries. On the basis of the resolution, 20 fellowships were awarded in 2004 and 17 fellowships in 2005.

8. For the 2005 International Law Fellowship Programme, 291 applications from 56 countries had been received by the closing date. The 16 fellows (8 males and 8 females) who participated in 2005 were from the following countries: Cambodia, Cape Verde, Comoros, Côte d'Ivoire, Georgia, Honduras, Kyrgyzstan, Lebanon, Mali, Mauritius, Mongolia, Niger, Peru, Sao Tome and Principe, Seychelles and Togo. In addition, three observers, from Lebanon, Romania and Turkey, attended the 2005 Programme.

9. In addition to a series of lectures on public international law given at the Hague Academy of International Law, the Fellowship Programme also offered an intensive programme of seminars and complementary study visits organized by the Office of Legal Affairs and UNITAR.

10. In 2005, the lectures included: "International law for humankind: Towards a new Jus Gentium" (A. A. Cancado-Trinidade, Judge and former President of the Inter-American Court of Human Rights); "Re-establishing peace through multinational operations after armed conflicts" (P. Daillier, University of Paris X); "The International Criminal Court" (E. David, Free University of Brussels); "Access to international justice in environmental disputes" (G. Loibl, University of Vienna); "Humanitarian intervention today" (V. S. Mani, Director, Gujarat National Law University); "Multilateralism vs. unilateralism: Authorization by the Security Council to use force" (L. A. Sicilianos, University of Athens); and "The contribution of international law to the preservation of cultural diversity" (D. Turp, University of Montreal).

11. The special seminars organized in 2005 comprised the following topics: "International humanitarian law" (A. M. La Rosa, Legal Adviser, International Committee of the Red Cross); "International refugee law" (V. Robert, Legal Adviser, UNHCR); "The multilateral trading system" (G. Marceau, Counsellor, Legal Division, World Trade Organization, Geneva); "Law of the Sea" (A. Mahiou, Professor, University of Aix-Marseille); "Treaty law" (G. Hafner, Professor, University of Vienna); "The international protection of human rights" (Y. Diallo, human rights expert, formerly OHCHR); "International environmental law" (L. Boisson de Chazournes, Professor, Faculty of Law, University of Geneva); "International criminal law" (E. David, Professor, Free University of Brussels); and "The work of the International Law Commission" (D. Momtaz, Professor, University of Tehran and President, International Law Commission).

12. Under the Programme, study visits were arranged in 2005 to the International Court of Justice, the Permanent Court of Arbitration, the International Criminal Court and the Carnegie Foundation.

3. Regional courses

13. The Government of Thailand will host a regional course on international law issues for countries of the Asian region, to be held in Bangkok from 25 October to 5 November 2005. A maximum of 30 participants will attend, from the following countries: Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, Democratic Republic of Korea, India, Indonesia, Japan, Lao People's Democratic Republic, Malaysia, Maldives, Mongolia, Myanmar, Nepal, Pakistan, Papua New Guinea, Philippines, Republic of Korea, Singapore, Sri Lanka, Thailand, Timor-Leste and Viet Nam.

4. Activities of the Office of Legal Affairs

(a) Public international law and other activities

14. The Office of Legal Affairs, and in particular its Codification Division, continued to perform various functions connected with the goals of the Programme.

15. The Office, in cooperation with UNITAR, made the arrangements relating to the general orientation of the International Law Fellowship Programme, such as the selection of fellows and the lectu[illegible] for the Programme. Communication was maintained between the Codific[illegible] Division and UNITAR to ensure the implementation of the guidelines fo[illegible] Fellowship Programme as approved by the General Assembly.

16. The Office of Legal Affairs received and assigned interns to participate in the work of the department. The Office selects interns, arranges for the duration and type of their training and assigns them to projects in which an intern has a special interest. Interns bear all their own financial expenses.

17. The Dag Hammarskjöld Library has assumed the administration of the United Nations Audiovisual Library in International Law.

18. The Codification Division participates in the electronic dissemination of information regarding United Nations work on the codification and progressive development of international law, as well as on some aspects regarding its application. A summary of the activities of the Division is to be found in the

international law section of the United Nations home page under "Codification of international law" (www.un.org/law/lindex.htm). The Division maintains websites for the Sixth Committee of the General Assembly (www.un.org/law/cod/sixth/index.html) containing, inter alia, links to documents in all official languages and a summary of the activities of the Committee organized by session; and the International Law Commission (www.un.org/law/ilc/index.htm), including the Commission's most recent reports, other documentation and an online research guide. In addition, information and documentation links are available at the websites of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 on international terrorism; the Ad Hoc Committee on Jurisdictional Immunities of States and their Property; the Ad Hoc Committee on an International Convention against the Reproductive Cloning of Human Beings; the Ad Hoc Committee on the Scope of Legal Protection under the Convention on the Safety of United Nations and Associated Personnel; and the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. The Division also has established a website on the *Repertory of Practice of United Nations Organs* (www.un.org/law/repertory). The website includes access to studies on individual articles of the Charter of the United Nations from volumes not yet completed. Currently, all studies available in English, French and Spanish are on the Internet and will be continually updated, as the language versions of finalized *Repertory* studies become available. In 2004, the Division established a website for the *United Nations Juridical Yearbook*, containing selected legal opinions of the United Nations Secretariat. Finally, the Codification Division has been assisting with the inputting of published United Nations legal opinions into the database of the Global Legal Information Network, which has as its goal the inclusion of all the world's laws, as well as other legal information.

19. The website of the Division for Ocean Affairs and the Law of the Sea on the United Nations home page (www.un.org/Depts/los/index.htm) provides information on almost all aspects of oceans and the law of the sea. In particular, this information relates to: (a) the 1982 United Nations Convention on the Law of the Sea, Agreement relating to the implementation of Part XI of the Convention and the 1995 Fish Stocks Agreement, including documentation related to the meeting of States Parties to the Convention and to the 1995 Fish Stocks Agreement; (b) actions related to the agenda item "Oceans and the law of the sea" of the General Assembly including the Open-ended Informal Consultative Process on Oceans and the Law of the Sea, the reports of the Secretary-General, General Assembly resolutions, other General Assembly documents issued under that agenda item, documents and information related to the regular process for the global reporting and assessment of the state of the marine environment, including socio-economic aspects, and official records of the General Assembly reflecting the debates on the oceans and the law of the sea agenda item; (c) the three bodies established by the 1982 Convention, in particular information related to the Commission on the Limits of the Continental Shelf, the International Seabed Authority and the International Tribunal for the Law of the Sea; (d) dispute settlement issues, especially relating to the choice of procedure under article 287 of the Convention and declarations made under article 298, lists of arbitrators and conciliators and experts and links to the International Court of Justice and to the International Tribunal for the Law of the Sea; and (e) capacity-building and training, including the Hamilton Shirley Amerasinghe Memorial Fellowship, the technical cooperation trust fund established on the basis of an agreement between the United Nations and the Nippon Foundation, and the

trust funds related to the Commission on the Limits of the Continental Shelf, the International Tribunal for the Law of the Sea, the consultative process and the TRAIN-SEA-COAST programme. In addition, the Division's website contains texts of maritime boundary delimitation treaties and of national legislation concerning maritime zones, links to major United Nations agencies, intergovernmental and non-governmental organizations and academic institutions that deal with oceans and the law of the sea, and extensive lists of documents and publications aimed at a better understanding of the legal regime as contained in the 1982 Convention.

(b) Activities concerning the law of the sea and ocean affairs: the Hamilton Shirley Amerasinghe Memorial Fellowship

20. The fellowship provides an opportunity for fellows to advance in their chosen professions or vocations by expanding their knowledge and attaining a better understanding of and greater specialization in the fields of study related to the law of the sea and its implementation. The candidates for the fellowship must have a degree in law, marine science, political science, ocean management, administration of ports or related disciplines. They must have at least five years of work-related experience.

21. The fellowship is awarded by the Under-Secretary-General for Legal Affairs, the Legal Counsel, on the recommendations of the Advisory Panel.

22. The award under the fellowship programme provides successful fellows with facilities for postgraduate study and research in the field of the law of the sea, its implementation and related marine affairs at participating universities.

23. The fellowship is publicized globally and applications are received in response to invitations extended through the offices of the resident representatives of the United Nations Development Programme and through the United Nations information centres. The selection of candidates is subject to a two-stage process. The preliminary stage of review of the individual applications and nominations, which are received from Governments, governmental agencies, institutions and other bodies, is carried out by the Division for Ocean Affairs and the Law of the Sea in cooperation with the Codification Division of the Office of Legal Affairs, which draw up a shortlist of candidates. The shortlist is then evaluated by the Advisory Panel.

24. Annual awards have been offered to individuals from the following countries: Nepal (1986); United Republic of Tanzania (1987); Chile (1988); Trinidad and Tobago (1989);[2] Sao Tome and Principe (1990); Yugoslavia (1991); Thailand (1992); Kenya (1993);[3] Cameroon and Seychelles (1994); Tonga (1995); Indonesia (1996); Samoa (1997); Nigeria and Papua New Guinea (1998); Barbados and Sri Lanka (1999); Kenya (2000); Bulgaria and Iran (Islamic Republic of) (2001); Cape Verde and Colombia (2002);[4] Argentina (2003); and Sri Lanka (2004).

25. The Advisory Panel will meet in early November 2005 to choose a candidate for the twentieth annual award.

(c) Activities concerning international trade law

26. The activities conducted by the United Nations Commission on International Trade Law (UNCITRAL) and its secretariat, the International Trade Law Division of the Office of Legal Affairs, in connection with the Programme of Assistance, are

designed primarily to acquaint government officials, lawyers and scholars, particularly from developing countries, with the work of UNCITRAL and with the legal texts that have emanated from its work.

27. The Commission, pursuant to General Assembly resolution 59/39 of 2 December 2004, continued with its initiative towards expanding, through its secretariat, its technical assistance programme. It organized seminars and symposiums in many developing countries with the objective of assisting them in adopting and implementing UNCITRAL texts. In addition, members of the UNCITRAL secretariat participated as speakers in a number of seminars and courses financed by institutions organizing those events or by other organizations. In its resolution, the Assembly reiterated its appeal to Governments, the bodies of the United Nations system, organizations, institutions and individuals to make voluntary contributions to the Trust Fund for UNCITRAL Symposia and, when appropriate, to the financing of special projects, and otherwise to assist the secretariat of the Commission in financing and organizing seminars and symposiums, in particular in developing countries. The Assembly also appealed to the United Nations Development Programme and other bodies responsible for development assistance, as well as to Governments, to support the technical assistance programme of the Commission and to cooperate and coordinate their activities with those of the Commission.

28. The UNCITRAL website (www.uncitral.org) is designed to provide relevant information concerning the Commission to Governments, Commission delegates, researchers, practitioners and others interested in the work of the Commission. The site contains texts adopted by the Commission and preparatory documentation for the Commission and its working groups; case law on UNCITRAL texts; conventions (including their status) and model laws (including their implementation by States); archived research materials; and other texts relating to international trade law.

(d) Activities concerning treaty law matters

29. The United Nations Treaty Section has continued to expand its programme of technical assistance on treaty law and practice in the context of the *Strategy for an Era of Application of International Law: Action Plan*. In addition to the technical assistance and advice routinely provided to United Nations permanent missions, Governments' legal officers and the Secretariat on the registration and publication of treaties and the depositary practice of the Secretary-General, advice and assistance were also provided on treaties and related actions recorded and stored in the Treaty Section database and on the drafting of final clauses of multilateral treaties.

30. The Treaty Section, in collaboration with UNITAR, organized two training sessions at United Nations Headquarters on treaty law and practice. Training seminars were held in Viet Nam on 4 and 5 November 2004, in Barbados for the Caribbean Community on 26 and 27 October 2004 and in Geneva for the Economic Commission for Europe on 17 and 18 January 2005. A number of other requests for training have been received, but funding remains problematic. Requests also continue to be received for assistance with the domestic implementation of treaties.

31. The treaty event, "Focus 2005: responding to global challenges", was held from 14 to 16 September 2005. A total of 265 treaty actions were undertaken at the event. The publication of the same name was issued in May and distributed to all

permanent missions, United Nations agencies, and concerned non-governmental organizations, among others. A panel on terrorism was organized by the Treaty Section in June 2005 in preparation for the 2005 treaty event.

5. Publications

(a) United Nations Treaty Collection

32. Consistent with the wishes of the Member States, the Treaty Section has continued to develop and enhance the Section's computerization programme in order to facilitate the effective storage, retrieval and timely dissemination of treaty information, now substantially contained on the website of the United Nations Treaty Collection. In 2005, "Focus 2005: responding to global challenges" was added to the website. The Treaty Collection includes all treaties published as at July 2004. In addition, the certified true copies of multilateral treaties deposited with the Secretary-General are being prepared for posting on the site. The Treaty Collection will be upgraded with a new search mechanism. Developing country users, non-governmental organizations, national Governments, users within the United Nations family and members of the International Law Commission have been provided free access to the Treaty Collection website.

(b) *United Nations Juridical Yearbook*

33. The following editions of the *United Nations Juridical Yearbook* have been completed by the Codification Division and sent to press: 1998, 1999, 2000, 2001 and 2002. The 1998 volume (English) is expected to be published shortly.

(c) *United Nations Reports of International Arbitral Awards*

34. Volume 24 of the *United Nations Reports of International Arbitral Awards* was prepared by the Codification Division and has been published. Volume 25 is scheduled for publication by the end of 2005.

(d) *Repertory of Practice of United Nations Organs* and *Repertoire of the Practice of the Security Council*

35. During the period under review, the Secretariat continued its efforts to reduce the backlog in the publication of the *Repertory of Practice of United Nations Organs*, as well as of the *Repertoire of the Practice of the Security Council*, in accordance with General Assembly resolution 59/44 of 2 December 2004. The status of the various supplements of the *Repertory* and the *Repertoire* is set out in the report of the Secretary-General (A/60/124). Moreover, the placement of *Repertory* studies on the Internet has been implemented in English, French and Spanish.

(e) Other publications

36. During 2005, the Division for Ocean Affairs and the Law of the Sea published No. 57 of the *Law of the Sea Bulletin*. This periodical updates information relating to the law of the sea and marine affairs, including national legislation, bilateral and multilateral treaties and the decisions of international courts and arbitral tribunals. The Division also issued No. 21 in the *Law of the Sea Information Circular* series,

which presents information on any action taken by States parties in implementing the United Nations Convention on the Law of the Sea.

37. During 2005, the International Trade Law Division published the *Case Law on UNCITRAL Texts* abstracts Nos. 43 to 46 and the *Digest of Case Law on the United Nations Convention on Contracts for the International Sale of Goods*. It also prepared the report on the status of ratifications and enactments of texts arising from the work of UNCITRAL and the UNCITRAL consolidated bibliography in the six official languages of the United Nations. The International Trade Law Division regularly updates the bibliography as published on the UNCITRAL website.

6. Distribution of United Nations legal publications

38. Pursuant to paragraph 49 of the 2003 report of the Secretary-General on the Programme of Assistance (A/58/446) and paragraph 1 of General Assembly resolution 58/73 authorizing its implementation, copies of United Nations legal publications issued during 2004 and 2005 have been provided to the institutions in developing countries that have been receiving such publications under the Programme and to other institutions in a number of countries, in particular in the developing countries, for which requests for such publications have been made by the Member States concerned. The International Court of Justice continued to provide copies of its publications to institutions receiving assistance under the Programme.

B. Activities of the United Nations Institute for Training and Research

39. In addition to cooperation with the Office of Legal Affairs in organizing the International Law Fellowship Programme and the regional fellowship in Thailand, UNITAR has carried out, in 2005, a number of activities related to the teaching, study, dissemination and appreciation of international law, including the fellowship programme on international civil service, held in Yaounde, Paris and Geneva (4 January to 8 July 2005); international law training for government officers from Tajikistan; a training programme on the legal aspects of debt, financial management and negotiations for English- and French-speaking African countries, Central Asian republics, Azerbaijan and others; and a programme on the implementation of environmental law, held in Jordan from 7 to 10 March 2005 and in Italy from 18 to 20 April 2005. UNITAR also held a number of workshops and seminars at Headquarters during 2005, including the UNITAR workshop on the negotiation of international legal instruments, held from 19 to 22 April 2005; the World Intellectual Property Organization/UNITAR workshop on international intellectual property, held on 26 April 2005; the UNITAR summer institute on "Global issues facing the United Nations: Strengthening respect for the rule of law", held from 6 to 10 June 2005; the UNITAR workshop on international trade and the Doha Round, held from 29 August to 2 September 2005; and the UNITAR/United Nations Population Fund/International Organization for Migration Workshop on Trafficking in Human Beings, held on 18 and 19 October 2005).

III. Guidelines and recommendations regarding the execution of the Programme in the biennium 2006-2007

A. General observations

40. In paragraph 14 of its resolution 58/73, the General Assembly requested the Secretary-General to report to it at its sixtieth session on the implementation of the Programme during 2004 and 2005 and, following consultations with the Advisory Committee on the Programme, to submit recommendations regarding the execution of the Programme in subsequent years.

41. The paragraphs below contain the guidelines and recommendations requested by the General Assembly in its resolution. In formulating such guidelines and recommendations, account has been taken of the fact that, in the resolution, the Assembly did not provide for new budgetary resources for the Programme, but relied instead on financing such activities from the existing overall level of appropriations and voluntary contributions from States.

42. Therefore, in substance, the paragraphs below recommend that the United Nations and other agencies continue the current activities under the Programme and develop and expand them if new funds become available through voluntary contributions. In principle, new activities should be undertaken only if the overall level of appropriations or voluntary contributions make them possible.

B. Activities of the United Nations

43. *International Law Seminar.* It is expected that, if sufficient voluntary contributions from States continue to be made, new sessions of the Seminar will be held in 2006 and 2007 in conjunction with those of the International Law Commission. The scheduling of the sessions of the Seminar should be done in such a way as to make it possible to provide it with adequate services, including interpretation as required.

44. *Public international law and other activities.* During the biennium 2006-2007, the Office of Legal Affairs and its Codification Division are expected to continue performing the various functions connected with the goals of the Programme, as described in the present report, namely, participation in the International Law Fellowship Programme; regional refresher courses; training of interns; lecturing on international law topics; secretariat functions to the Advisory Committee and the Sixth Committee on the agenda item concerning the United Nations Programme of Assistance; and dissemination of information regarding the codification and progressive development of international law. With regard to the training of interns, geographical distribution is duly borne in mind in selecting interns and, at the same time, existing possibilities are fully taken advantage of, irrespective of nationality.

45. *Activities concerning the law of the sea and ocean affairs; the Hamilton Shirley Amerasinghe Memorial Fellowship.* The Office of Legal Affairs will continue to award at least one fellowship annually, in accordance with the rules and guidelines.

46. *Activities concerning international trade law.* The steps to promote training and assistance in international trade law are of particular concern to developing countries. The Secretary-General, through the International Trade Law Division of the Office of Legal Affairs, will take the requisite action during the biennium 2006-2007 to implement the recommendations addressed to him in this regard by UNCITRAL and the General Assembly.

47. *Publications.* It is expected that the Secretariat will continue its efforts to reduce the backlog of the *United Nations Treaty Series*.[5] Efforts also should be continued by the Secretariat to ensure the publishing of materials on matters of legal interest, in all the official languages of the United Nations to the extent possible, through the Internet on the United Nations home page, as well as through other electronic media.

48. *Provision of United Nations legal publications.* Copies of United Nations legal publications issued during 2006 and 2007 will be provided to the institutions in developing countries that have been receiving such publications under the Programme and to other institutions in the developing countries for which requests for such publications are made by the Member States concerned. Each new request will be reviewed on its own merits and the availability of the legal publication in question also will be taken into account.

49. *Fellowships and scholarships offered at national institutions.* Information received from Governments regarding the fellowships and scholarships offered at national institutions will, at the request of those Governments, be circulated to all Member States.

50. *International Law Fellowship Programme.* A number of fellowships should continue to be awarded each year under the United Nations regular budget. Additional fellowships also may be awarded from the Trust Fund of the Programme of Assistance, depending upon the amount of the voluntary contributions received each year.

51. The Programme also should be open to a limited number of observers whose Governments are willing to cover the expenses of their observers.

52. Guidelines contained in General Assembly resolutions should be followed, in particular regarding the desirability of using, as far as possible, the resources and facilities made available by Member States, international organizations and others, as well as the need, in appointing lecturers for the seminars of the International Law Fellowship Programme, to secure representation of the major legal systems and balance among various geographical regions. Every effort should be made to enhance and maintain the high quality of the lecturers and the seminars.

53. Furthermore, in the implementation of the Fellowship Programme, maximum use should be made of the existing human and material resources of the Organization so as to achieve the best possible results within a policy of maximum financial restraint. To the extent possible, teaching experts for the seminars should be selected from among the staff of the Organization, thus reducing to a minimum consultants' fees and making full use of the expertise of Organization staff in international law and related areas.

54. Beginning in 1998, the Fellowship Programme was conducted in a monolingual format, alternating between English and French. This change from the

previous bilingual format reduced the cost of the Programme and also enhanced its quality. The monolingual format will continue for the 2006 and 2007 programmes.

55. Upon the invitation of the Office of Legal Affairs, UNITAR should continue to participate in those aspects of the Fellowship Programme as appropriate and in accordance with the guidelines set out above.

IV. Administrative and financial implications of United Nations participation in the Programme

A. Biennium 2004-2005

56. Among the activities carried out under the Programme during 2004-2005, the following items were related to allocations from the regular budget: the supply of United Nations legal publications to institutions in developing countries; and the provision of a number of international law fellowships, determined in the light of the overall resources for the Programme (see General Assembly resolution 58/73, para. 2 (a)).

57. The cost of the handling and shipping of United Nations legal publications to institutions in developing countries was covered under the relevant sections of the programme budget for the biennium 2004-2005 relating to administrative and common services.

58. The actual cost of producing the publications falls under the respective allocations for the substantive programmes to which each publication belongs.

59. As for the cost of provision by the United Nations of a number of fellowships determined in the light of the overall resources for the Programme, a total of $391,300 was proposed in the regular budget sources under section 8 (Legal affairs).

60. In accordance with paragraph 12 of General Assembly resolution 58/73, in which the Assembly reiterated its request to Member States and to interested organizations and individuals to make voluntary contributions towards the financing of the Programme, the Secretary-General addressed a note on 17 February 2004 and another on 16 August 2005 to Member States, drawing their attention to the resolution and to the report of the International Law Commission.

61. For the International Law Seminar, the Governments of the following countries made contributions in 2004: Austria ($11,194); Finland ($4,975); Germany ($12,179); Ireland ($2,346); Mexico ($7,500); Namibia ($200); Norway ($3,651); and Sweden ($6,500). In 2005, contributions were received from the Czech Republic ($3,000); Finland ($5,284); Germany ($11,628); Mexico ($7,500); New Zealand ($3,655); Sweden ($6,693); and Switzerland ($10,620).

62. For the International Law Fellowship Programme, the following countries made contributions during 2004: Bahamas ($500); Ghana ($400); the Holy See ($3,000); Monaco ($10,000); Namibia ($200); and Trinidad and Tobago ($508).

63. For the Hamilton Shirley Amerasinghe Fellowship on the Law of the Sea, the following country made a contribution in 2004: Namibia ($200). In 2005, the following countries made contributions: Monaco ($10,000); Sri Lanka ($1,000); and Trinidad and Tobago ($5,000).

64. Contributions to the Trust Fund for UNCITRAL Symposia were received from the Governments of the following countries in 2004: Singapore ($2,000) and Switzerland ($42,542). In 2005, the following contribution was received: Mexico ($5,000). Additionally, the following pledges have been made: Singapore ($2,000) and Mexico ($5,000).

65. For the United Nations Audiovisual Library in International Law, a contribution of $3,000 was received from Mexico. Namibia also contributed $200 during the period under review.

B. Biennium 2006-2007

66. Assuming that the recommendations regarding legal publications are adopted, the cost of handling and shipping the United Nations legal publications issued in 2006 and 2007 would be covered by the estimates under the relevant sections of the proposed programme budget for the biennium 2006-2007.

67. With regard to the provision of fellowships within the International Law Fellowship Programme during the biennium and possibly of travel grants for participants in regional refresher courses during 2006 or 2007, an amount of $404,600 is included in the proposed programme budget for the biennium 2006-2007 under section 8 (Legal affairs), assuming that the General Assembly approves the guidelines and recommendations on those programmes.

68. The Secretary-General would repeat his efforts, if the General Assembly so decides, in requesting voluntary contributions to the Programme. It is proposed that, as in past years, the funds accruing from such contributions have, as a main goal, and subject to considerations of a practical nature, the increase of the number of fellowship grants to candidates from developing countries, in addition to the minimum that would be authorized by the General Assembly under the appropriations from the regular budget.

V. Meetings of the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

A. Membership of the Advisory Committee

69. The General Assembly, in its resolution 58/73, appointed 25 Member States for membership of the Advisory Committee for the period from 1 January 2004 to 31 December 2007: Canada, Colombia, Cyprus, Czech Republic, Ethiopia, France, Germany, Ghana, Iran (Islamic Republic of), Italy, Jamaica, Kenya, Lebanon, Malaysia, Mexico, Nigeria, Pakistan, Portugal, Russian Federation, Sudan, Trinidad and Tobago, Ukraine, United Republic of Tanzania, United States of America and Uruguay.

B. Consideration of the reports of the Secretary-General by the Advisory Committee at its thirty-ninth and fortieth sessions

70. In paragraph 14 of its resolution 58/73, the General Assembly requested the Secretary-General to report to the Assembly at its sixtieth session on the implementation of the Programme during 2004 and 2005.

71. As part of the preparation of the report requested under resolution 58/73, the Secretary-General prepared an interim report covering the activities carried out during 2004 by the various bodies that participated in the execution of the Programme,[1] as well as a draft report covering the activities carried out in 2005 (A/AC.117/2005/L.1 and Corr.1).

72. At the thirty-ninth session of the Advisory Committee, held on 11 November 2004, representatives of the following members of the Committee were present: Canada, Colombia, Cyprus, Czech Republic, Germany, Ghana, Lebanon, Mexico, Portugal, Russian Federation, Trinidad and Tobago, United Republic of Tanzania, United States of America and Uruguay. Representatives of UNITAR and the Division for Ocean Affairs and the Law of the Sea also attended.

73. At the fortieth session of the Advisory Committee, held on 17 October 2005, representatives of the following members were present: Canada, Colombia, Cyprus, Czech Republic, France, Germany, Ghana, Iran (Islamic Republic of), Italy, Jamaica, Kenya, Malaysia, Mexico, Nigeria, Pakistan, Russian Federation, Sudan, Ukraine, United Republic of Tanzania, United States of America and Uruguay. Representatives of UNITAR and the Division for Ocean Affairs and the Law of the Sea also attended.

74. The thirty-ninth and fortieth sessions were chaired by Robert Tachie-Menson of Ghana.

75. George Korontzis, Principal Legal Officer, Codification Division, Office of Legal Affairs, acted as Secretary of the Advisory Committee at both sessions.

76. The advisory committee considered the Secretary-General's interim report of 2004[1] at its thirty-ninth session and the draft report of the Secretary-General (A/AC.117/2005/L.1 and Corr.1) at its fortieth session.

77. At the thirty-ninth session, it was explained that the holding of regional courses was determined by the financial resources available and that the host Government typically provided the physical facilities for the course. Non-governmental organizations often provided other resources.

78. At the fortieth session, some members suggested that a single database should be established to include information on the three fellowship programmes and any regional courses. However, it was explained that information on the fellowships and regional courses come from different sources and that arrangements for such events could not always be made in a timely fashion.

79. Concerning the United Nations Treaty Collection on the Internet, the hope was expressed that access to the database would be expanded. Currently, access was provided free of charge to all users from developing countries, the United Nations Secretariat, members of the United Nations family, permanent missions in New York, capital-based Government departments, students and academic researchers,

non-governmental organizations and the International Law Commission. The Treaty Collection was accessible wherever Internet facilities were available. In response to a question regarding the costs of establishment and maintenance of the Treaty Collection and the related databases, the accumulated costs, including the client migration in progress, were at present $1,718,807. The projected maintenance/developmental costs for 2006 were $30,000. Approximate revenues from sales for 2004 amounted to $183,000.

Notes

[1] OLA/UNPA/2005/CRP.1.

[2] The fellowship was originally awarded to a candidate from Saint Lucia, who was unable to take up the fellowship for personal reasons; the back-up candidate from Trinidad and Tobago was therefore awarded the fellowship.

[3] The recipient of the award was unable to take up the fellowship for personal reasons and there was not enough time to award the fellowship to the back-up candidate.

[4] The individuals from Seychelles (1994), Papua New Guinea (1998), Barbados (1999), Bulgaria (2001) and Colombia (2002) received special awards.

[5] The time lag between the submission of a treaty and its publication has been reduced to 11 months.

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Question of Cyprus

Security Council
Sixtieth year

Letter dated 20 October 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 20 October 2005, addressed to you by Mr. Reşat Çağlar, Representative of the Turkish Republic of Northern Cyprus, forwarding the letter of Mr. Mehmet Ali Talat, President of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the present letter, including the text of Mr. Talat's letter, could be circulated as a document of the General Assembly, under agenda item 19, and of the Security Council.

(*Signed*) Ersin **Erçin**
Minister Counsellor
Deputy Permanent Representative
Chargé d'affaires a.i.

05-56764 (E) 251005

Annex to the letter dated 20 October 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General

I have the honour to convey herewith a copy of a letter dated 12 October 2005 addressed to you by Mehmet Ali Talat, President of the Turkish Republic of Northern Cyprus (see enclosure).

I would be grateful if the text of the present letter and its enclosure could be circulated as a document of the General Assembly, under agenda item 19, and of the Security Council.

(*Signed*) Re at **Çağlar**
Representative
Turkish Republic of Northern Cyprus

Enclosure

I am writing to you with a sense of foreboding for the future in the face of the fast increasing maltreatment of Turkish Cypriots visiting South Cyprus as a result of the rising trend of racism, chauvinism and ultra-nationalism among the Greek Cypriots.

As you would remember, the crossings between the North and the South have become possible following our unilateral and courageous step to open the border for reciprocal crossings on 23 April 2003. Since then, more than seven million crossings have taken place (Security Council resolution 1604 (2005) dated 17 June 2005). Encouraged by the volume, as well as the absence of a major incident experienced during reciprocal visits until last year, we increased our efforts to open additional points to make crossings easier and more convenient for both Turkish Cypriots and Greek Cypriots. In line with this understanding, and despite numerous delaying tactics employed by the Greek Cypriot leadership, most recently, on 31 August 2005, we have opened Bostanci (Zodhia) gate to the west of the island where there was no crossing point. We continue to believe that contacts between the two peoples of the island is vital for reconciliation and better understanding between the two sides.

However, following the simultaneous referenda held in Cyprus on the comprehensive settlement plan of the United Nations Secretary-General on 24 April 2004, which was overwhelmingly accepted by the Turkish Cypriot people and resoundingly rejected by the Greek Cypriot side at the behest of their leadership, the peaceful nature of the reciprocal visits fast deteriorated, and we have observed, with great concern, the rising trend of racism, chauvinism and ultra-nationalism against the Turkish Cypriots visiting the South. It should be underlined at this point that since the inception of the reciprocal crossings, almost no incident against the Greek Cypriots visiting North Cyprus has been witnessed.

On the other hand, the Greek Cypriot authorities and civilians are increasingly harassing the Turkish Cypriot people visiting the South. Some examples of the ongoing policy of cruel, inhuman and degrading treatment of Turkish Cypriots are listed below.

In July 2004, inmates at Nicosia's central prison in Southern Cyprus managed to smuggle out a petition signed by 50 Turkish Cypriot and non-Cypriot prisoners to the Greek Cypriot daily *Cyprus Mail*, accusing the authorities at the jail of "institutional racism". The petition contained information by a Turkish Cypriot inmate that Turkish Cypriot prisoners were regularly subjected to violence by Greek Cypriot inmates and that wardens were unsympathetic to their calls for protection. He complained that the way Turkish Cypriot and foreign prisoners are treated compared to their Greek Cypriot inmates is different in every aspect of prison life. Furthermore, he complained about wardens joining in the violence against non-Greek Cypriot inmates and sexual abuse of foreigners by Greek Cypriot inmates (Greek Cypriot daily, *Cyprus Mail*, dated 20 July 2004).

The established practice of maltreatment of Turkish Cypriots in the Greek Cypriot prisons was also confirmed in the report [CommDH(2004)2] of Mr. Alvaro Gil-Robles, the Commissioner of Human Rights of the Council of Europe, dated 12 February 2004, in which it was stated and I quote: "Several allegations of maltreatment of prisoners by police officers have been received. This included kicks

and punches to the body and the head; death threats with a pistol held to the head; electrical shocks to various parts of the body. In some cases, the severity of the instances of maltreatment was such that they could be designated as torture. The European Court moreover found in two judgements (Egmez v. Cyprus of 21 December 2000 and Deniz and others v. Cyprus of 23 May 2001) that inhuman treatment had been inflicted by the police on Turkish Cypriots".

The maltreatment of the Turkish Cypriots in Southern Cyprus is not only confined to Greek Cypriot prisons. On 10 December 2004, Mr. Hamit Soyel and his fiancée Ms. Zehra Susuz were chased, harassed, threatened with death and guns were fired at their car by Greek Cypriots dressed in civilian clothes while travelling around Ayia Napa in Southern Cyprus. Instead of arresting the suspects who carried out the attack, the Greek Cypriot police detained Mr. Soyel and Ms. Susuz, rummaged their car as if they were criminals and they were put into jail. After their arrest, the Greek Cypriot police tried to fabricate charges against them. However, they could only fine them with traffic offence and they were subsequently released by the Greek Cypriot court. Additionally, it was revealed during the court proceedings that the men who fired at them were actually Greek Cypriot police dressed in civilian clothes (Turkish Cypriot daily, *Halkin Sesi*, dated 21 December 2004).

On 29 July 2005, in South Cyprus, a group of five Greek Cypriots, members of the Greek Cypriot ultra-nationalist group Chrysi Avghi (Golden Dawn), asked to a gathering of four men sitting in a café (one of them a Turkish Cypriot, Mr. Sadik Aktan) why were they speaking in English instead of Greek and when they were told that one of them could not speak Greek, they demanded to be told his nationality. When they learned that he was a Turkish Cypriot, they severely beat him up as well as his Greek Cypriot companions. One of the attackers, Mr. Christodoulos Nicolaides, was arrested, however the suspect was later released on bail (Greek Cypriot daily, *Cyprus Mail*, dated 2 and 6 August 2005). Interestingly, during the court proceedings, one of the companions of Mr. Aktan, who was also beaten up in the incident, surprisingly withdrew his complaint and told the court that he was not able to identify Mr. Christodoulos Nicolaides as one of the attackers (Greek Cypriot daily, *Cyprus Mail*, dated 21 September 2005). The fact that another legal proceeding is under way against Mr. Christodoulos Nicolaides for verbal and physical attack against a Turkish Cypriot family corroborates the view that this is not an isolated event. In this incident, Mr. Veysel Toksoy and his son were attacked, in the presence of his wife and children, by Mr. Nicolaides, at a fountain in Trodoos where they had stopped to eat their lunch on the way back to Nicosia after a day trip (Greek Cypriot daily, *Cyprus Mail*, dated 23 September 2005).

Another case, which was not published in newspapers, but brought to the information of the Turkish Cypriot authorities, is the situation of Mr. Gökçe Malek. On 1 August 2005, Mr. Malek, a Turkish Cypriot youngster driving in the southern part of Nicosia, was stopped and severely beaten up by the Greek Cypriot policemen dressed in civilian clothes and was put into prison. He was unaware on what grounds he was stopped and beaten up by the police as they spoke to him only in Greek. He tried to explain himself in English but to no avail. He spent two nights in prison without access to his family or a lawyer. When he was finally put to trial, the Greek Cypriot judge insulted him after his lawyer informed the court that the defendant was a student, preparing for his exams in a Turkish Cypriot university.

The judge retorted that "there can be no university in a territory which is illegal and under occupation. It is a pseudo university in a pseudo State". For the sake of his early release from detention and to end his ordeal at the hands of the Greek Cypriot police, Mr. Malek succumbed to his fear and pleaded guilty for dangerous driving and resisting to the police. Subsequently, he was fined and released by the Greek Cypriot court.

On 11 August 2005, four tourist buses, which were regularly used to transport tourists from the Greek Cypriot resort Ayia Napa to the Turkish Cypriot side of the island, were set on fire and completely destroyed (Greek Cypriot daily, *Cyprus Mail*, 12 August 2005). The perpetrators of this incident are still at large.

Recently, according to the Greek Cypriot daily *Alithia* dated 1 October 2005, a 62-year-old Turkish Cypriot named Vedat Bink ylü, while travelling with his car in the Greek Cypriot part of Nicosia, was chased by a car manned by three Greek Cypriots who forced him to stop for no apparent reason. Subsequently, the men assaulted him and badly damaged his car. Upon the complaint of Mr. Bink ylü to the Greek Cypriot police, a Greek Cypriot named Mr. Yoannis Aristidu was detained and later identified as one of the perpetrators by the victim. The newspaper also highlighted the rising trend of attacks against the Turkish Cypriots and pointed out that the number of attacks towards the Turkish Cypriots in South Cyprus are much more than the complaints that have been conveyed to the Greek Cypriot police (Greek Cypriot daily, *Alithia*, 1 October 2005).

Lately, T-shirts sporting a racist and chauvinist slogan "A good Turk is the dead Turk" worn by the Greek Cypriot soldiers during 1990s, have again reappeared in Greek Cypriot National Guard camps in South Cyprus. This time, there was a minor change in the slogan, "The only good Turk is the dead Turk".

It should be remembered that to promote nationalism among the Greek Cypriots, the Greek Cypriot administration has declared 2005 as the "Year for the Remembrance and Honouring of EOKA Liberation Struggle". As is known, EOKA, which took different forms and names from 1955 to 1974 was a Greek Cypriot ultra-nationalist organization responsible for the killing of many Turkish Cypriots and British Citizens as well as Greek Cypriots, who disagreed with its ultimate goal of the annexation of the island to Greece (enosis). It has been observed that during the leadership of Mr. Tassos Papadopoulos, who was unfortunately one of the masterminds of EOKA, campaigns to increase sympathy for EOKA and to promote it among the Greek Cypriot youth have increased considerably. We have also observed with great concern that all EOKA members, including murderers, were declared as heroes and honoured with decorations by the Greek Cypriot leadership.

Such incidents witnessed in South Cyprus based on racism, extremism and ultra-nationalism constitute a gross violation of the fundamental human rights, in particular of article 14 of the European Convention on Human Rights and Fundamental Freedoms of the Council of Europe as well as article 21 of the Charter of Fundamental Rights of the European Union, which among other things, clearly obligate States not to discriminate individuals on the grounds of race and ethnic origin. The respect for human rights and fundamental freedoms and the rule of law are among the basic founding principles of the European Union, which should be embraced by all Member States, including the Greek Cypriot administration.

Therefore, we call on the international community, and in particular the European Union, to urge the Greek Cypriot leadership to take necessary steps for the immediate cessation of all forms of discriminatory acts against Turkish Cypriots based on racism, chauvinism and ultra-nationalism, which emanate from decades-old Greek Cypriot policy of dominating the island at the expense of the legitimate rights of the Turkish Cypriot people enshrined in international treaties.

The Turkish Cypriot people, nonetheless, are determined to continue to tread the path of unification in the island. It is obvious that the good will of one side is not enough for achieving progress towards that end, particularly at a time when the tolerance against the Turkish Cypriot people in the Greek Cypriot administered South Cyprus is fast deteriorating.

In conclusion, as the Turkish Cypriot side, I would like to reiterate our commitment to finding a peaceful solution to the Cyprus problem and underline, once again, that with a view to reaching that goal, we are ready for the resumption of negotiations on the basis of the Annan Plan under the good offices mission of the United Nations Secretary-General.

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 19, and of the Security Council.

(*Signed*) Mehmet Ali **Talat**
President

United Nations A/60/443

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Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: strengthening of international cooperation and coordination of efforts to study, mitigate and minimize the consequences of the Chernobyl disaster

Optimizing the international effort to study, mitigate and minimize the consequences of the Chernobyl disaster

Report of the Secretary-General*

Summary

The present report is submitted in accordance with General Assembly resolution 58/119 of 17 December 2003 on the strengthening of international cooperation and coordination of efforts to study, mitigate and minimize the consequences of the Chernobyl accident. In that resolution, the General Assembly requested the Secretary-General to submit to it at its sixtieth session a report containing a comprehensive assessment of the implementation of the resolution, including proposals on how better to focus international cooperation to promote long-term development in Chernobyl-affected areas, bearing in mind exceptional Chernobyl-related needs.

The report reviews the activities undertaken by the funds, programmes and agencies of the United Nations and other international actors to provide assistance to communities affected by the Chernobyl accident. In line with the United Nations shift in strategy from a humanitarian approach to an emphasis on sustainable development, the report focuses on initiatives that revive community self-reliance. It also describes the consensus established in 2005 by Chernobyl Forum, a collaborative effort by eight United Nations bodies and the Governments of the three most affected countries, to assess definitively the health, environmental and socio-economic impact of Chernobyl.

* The submission of the report was delayed to take into account the findings of the Chernobyl Forum.

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Contents

		Paragraphs	Page
I.	General situation	1–5	3
II.	Coordinating a new development approach	6–9	4
III.	Ongoing international assistance efforts	10–52	5
IV.	Advocacy, information and public awareness	53–68	13
V.	Towards the twentieth anniversary	69–74	16
VI.	Resource mobilization	75–76	17
VII.	Concluding observations	77	18
Annexes			
I.	Report of the Government of Belarus		19
II.	Report of the Government of the Russian Federation		22
III.	Report of the Government of Ukraine		24

I. General situation

1. Nineteen years after the accident at the Chernobyl Nuclear Power Plant on 26 April 1986, hundreds of thousands of people in Belarus, the Russian Federation and Ukraine continue to suffer the consequences. Radiation has in most areas receded to natural background levels, and the vast majority of the population need not live in fear of serious health consequences due to radiation released during the accident. However, the accident has caused elevated levels of thyroid cancer among people who were children at the time of the accident, with some 4,000 Chernobyl-related cases diagnosed and treated since 1986. In the wake of the accident, hundreds of thousands of people were displaced from their native towns and villages, and millions in the region were left traumatized by lingering fears about their health.

2. The region has not recovered the livelihoods lost as a result of the nuclear accident. Chernobyl-affected communities have struggled to cope with the broader economic, political and social changes that have occurred in the region during the transition period that followed the dissolution of the former Soviet Union in 1991. Farming villages have struggled to overcome the stigma associated with produce from contaminated regions, and also to develop viable income sources in new market conditions. A severe mortality crisis, particularly among adult males, across much of the Commonwealth of Independent States (CIS) has heightened widespread perceptions of ill health in the Chernobyl-affected regions, promoting resignation and even fatalism among local residents. Generous benefit provision to Chernobyl area residents has inadvertently promoted a passive culture of dependency while also posing an unsustainable burden on the budgets of the three most affected countries.

3. Over the years it has become apparent that the residual problems associated with Chernobyl have moved into the mainstream of the mandates and development priorities addressed by the United Nations system and the larger international assistance community, namely, poverty and lack of economic opportunity; inadequate health care; and environmental degradation. Those issues are at the heart of the development agenda established by the Millennium Development Goals.

4. In response, United Nations agencies have over the past three years been implementing activities designed to promote a new recovery strategy for the affected territories. The key elements of this strategy include a shift from emergency humanitarian assistance to a long-term development approach; empowerment of individuals and communities; targeted assistance to the most affected groups; and a policy of promoting a return to normality among the affected populations. Compared to the scope of the need, those efforts rest on modest financial resources, in conditions in which Chernobyl is unfortunately often seen as an old problem. This approach needs to change if the challenges facing the region are to be overcome.

5. The three countries most affected by Chernobyl — Belarus, the Russian Federation and Ukraine — continue to shoulder most of the burden of the Chernobyl legacy (for the reports of the three affected States regarding their efforts to overcome the consequences of Chernobyl, see annexes I-III). Under the circumstances, international organizations need to approach the Chernobyl challenge with humility and to focus their efforts above all on advocacy, applying

expertise from successful development initiatives elsewhere and pilot and seed projects that, if successful, can be readily replicated on a larger scale.

II. Coordinating a new development approach

6. In 2002, the United Nations adopted a new strategy on Chernobyl. This was mapped out in a report entitled "The human consequences of the Chernobyl nuclear accident: a strategy for recovery", which was commissioned by the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF), with the support of the Office of the Coordinator for Humanitarian Affairs of the United Nations Secretariat and the World Health Organization (WHO). The recommendations contained in that report have guided the response of the United Nations system to the consequences of the Chernobyl accident in the years since its publication. Aiming to break away from patterns of dependency and passivity unwittingly induced by years of Government support for those affected by Chernobyl, the report recommended a shift from emergency humanitarian assistance to aid aimed at fostering self-reliance and sustainable development.

7. In line with this new strategy for recovery, responsibility for coordination of Chernobyl issues across the United Nations system was shifted in 2004 from the Office for the Coordination of Humanitarian Affairs to UNDP. A ceremony marking this transfer was held during commemorations of the eighteenth anniversary of the Chernobyl accident, when the UNDP Administrator formally assumed the role of United Nations Coordinator of International Cooperation on Chernobyl from the Under-Secretary-General for Humanitarian Affairs. The logistics of this transfer, including responsibility for the United Nations Chernobyl Trust Fund and the website entitled "The United Nations and Chernobyl" (http://www.un.org/ha/chernobyl), will be completed in 2005.

8. UNDP has recognized the need to maintain the practice established under the Office for the Coordination of Humanitarian Affairs of convening regular meetings of the Chernobyl Quadripartite Coordinating Committee, consisting of the United Nations Coordinator of International Cooperation on Chernobyl and the Ministers of Belarus, the Russian Federation and Ukraine who hold responsibility for the mitigation of the consequences of the Chernobyl accident. Such high-level coordination of Chernobyl policies and activities will be crucial in the lead-up to the twentieth anniversary in April 2006. UNDP will also resume regular meetings of the Inter-Agency Task Force on Chernobyl as a means of ensuring effective communication and coordination on the part of the many United Nations agencies involved in Chernobyl efforts, and also as a measure to promote coherence and efficiency in resource mobilization efforts. To respond effectively to the day-to-day challenges of Chernobyl, the UNDP Administrator will also make use of the coordination capacities of the United Nations Development Group.

9. In exercising its coordination role, UNDP plans to draw heavily on the experience already amassed by its country offices in Belarus, the Russian Federation and Ukraine in designing programmes aimed at promoting economic development and community self-sufficiency (see paras. 11-19 below). It also aims to build synergy among the three countries by promoting subregional coordination, drawing on best practices from relevant development success stories in other regions and giving high visibility to measures that yield results in reviving community spirit and

economic vitality, with an eye to encouraging greater donor commitment to the cause of Chernobyl recovery.

III. Ongoing international assistance efforts

10. United Nations country teams are working in each country to implement the recommendations of the 2002 strategy for recovery. Those efforts are supported by broader agency initiatives tailored to the shared needs of Chernobyl-affected populations in all three countries. International assistance falls into five main categories: (a) community-based development; (b) infrastructure; (c) health care and healthy lifestyles; (d) radiation mitigation and standard setting; and (e) reactor safety.

Community-based development

11. In Belarus, United Nations assistance for Chernobyl recovery efforts is channelled mainly through the mechanisms of the Cooperation for Rehabilitation (CORE) programme, which draws on the report entitled "The human consequences of the Chernobyl nuclear accident: a strategy for recovery" and the 2002 report of the World Bank entitled "Belarus: Chernobyl review" as its conceptual basis. Jointly with the Government of Belarus, the programme was launched in October 2003, when the first 11 co-signatories subscribed to the CORE Declaration of Principles. Since then the programme has grown to include 29 members, including UNDP, the United Nations Educational, Scientific and Cultural Organization (UNESCO), UNICEF, the United Nations Population Fund (UNFPA), the Organization for Security and Cooperation in Europe (OSCE), the European Commission, several European Union member States and the Swiss Agency for Development and Cooperation, as well as a number of international non-governmental organizations dealing with Chernobyl, and the local authorities of the participating districts.

12. The CORE programme operates as a joint initiative of local, national and international partners and donors focusing (at least initially) on four affected districts, Bragin, Chechersk, Slavgorod and Stolin, and on pilot projects in four priority areas: health care and surveillance; economic and social development in rural areas; culture and education of young people and preservation of the memory of Chernobyl; and radiological quality (developing a system aimed at enabling local residents to monitor their own surroundings). UNDP executes a support project for the CORE programme in partnership with the Chernobyl Committee of Belarus and the Swiss Agency for Development and Cooperation.

13. The CORE programme offers promise in promoting a new development approach in the Chernobyl-affected regions of Belarus by providing a genuine opportunity for local communities to contribute directly to improving the conditions in which they live and creating sustainable livelihoods for local households. To date, the CORE programme has helped create and support 18 large- and 53 small-scale project initiatives, all aimed at encouraging self-sufficiency at the local level. Such efforts are designed to create a solid foundation for longer-term development projects. As of mid-2005, the programme had mobilized more than €3.5 million for project implementation against total budgeted project needs of some €6.6 million.

14. In the Russian Federation, Chernobyl-affected territories are viewed as a model area for piloting new regional and local mechanisms of economic recovery,

investment promotion and employment generation. With financial support from the Office for the Coordination of Humanitarian Affairs, the UNDP Russian Federation office is helping to establish a business promotion centre and microcredit facility in the Bryansk oblast. Projects will benefit from efforts in community mobilization and rural development piloted elsewhere in the Russian Federation and the region.

15. In Ukraine, United Nations support to Chernobyl is delivered primarily through the UNDP Chernobyl recovery and development programme, which supports the Government of Ukraine in promoting long-term social, economic and environmental recovery in Chernobyl-affected areas. Through the programme, UNDP is applying an area-based development approach, which draws on experience from other parts of the world afflicted by conflict or crisis. With an emphasis on community empowerment, the programme helps local residents organize their own self-governing community institutions and then manage their own recovery efforts. The programme works at the grass-roots level in the four oblasts most affected by Chernobyl. By mid-2005, the programme covered nearly 100 villages in 16 districts and had implemented more than 70 community projects. Addressing the needs of children and youth and promoting employment and job creation opportunities are given high priority.

16. UNDP Ukraine also provides advisory and capacity-building support to bring local authorities and communities together for joint recovery and development activities. As a result, resources mobilized for community-based projects come from multiple sources: communities (20 per cent), local governments (40 per cent), UNDP/Chernobyl recovery and development programme (30 per cent) and other sponsors (10 per cent). As community members increasingly take charge of their own recovery, the burden on the State administration is significantly reduced and a new forward-looking mentality emerges among the affected population.

17. The Chernobyl recovery and development programme also supports policy and institutional change aimed at encouraging a shift from extensive social benefit provision to more fiscally sound measures targeting the truly needy and spurring the creation of new livelihoods. A pilot project under way in Ukraine could potentially serve as a model for a subregional effort aimed at providing policy advice to the Governments of Belarus and the Russian Federation.

18. The community-based approach introduced in Ukraine has met with an enthusiastic response from donors, demonstrating that it is possible to overcome the donor fatigue surrounding Chernobyl. Between 2003-2005, UNDP raised more than $3 million for the programme, including $1.2 million from the United Nations Trust Fund for Human Security funded by the Government of Japan; $1.2 million from the Canadian International Development Agency; $274,000 from the Swiss Agency for Development and Cooperation; $287,000 from the United Nations Special Volunteer Fund; and $110,000 from the Office for the Coordination of Humanitarian Affairs. During the Ukrainian President's visit to Japan in July 2005, Prime Minister Junichiro Koizumi and President Viktor Yushchenko praised the programme.

19. Early successes in Ukraine have led the United Nations country teams in Belarus and Russia to consider applying the "area-based development" concept as well. Planning is in the early stages, but the United Nations office in Belarus is already examining the possibility of engaging United Nations Volunteers to support participatory community-based development in Chernobyl-affected regions.

20. In a similar effort to help local residents gain new skills and access information, in 2003, the Swiss Agency for Development and Cooperation launched a project to provide Internet services to Chernobyl-affected areas in Belarus, the Russian Federation and Ukraine, particularly to schools and teachers. The project also provides regular international workshops and computer summer camps. In Belarus, UNICEF supported new preschool models and helped develop educational preschool programmes with a special focus on Chernobyl-affected areas.

Infrastructure

21. The World Bank has focused its Chernobyl recovery activities on Belarus. In July 2002, the Bank published a comprehensive study of the economic and social impact of the accident after 16 years entitled "Belarus: Chernobyl review". The review is consistent in its findings with the United Nations 2002 strategy for recovery. Focusing on agriculture, health, infrastructure and environment, the study recommends streamlining and reorienting government spending on Chernobyl-related efforts.

22. Since the publication of the review, the World Bank has redoubled its efforts to prepare a project that would address the needs identified in the report and improve the living standards of Chernobyl-affected populations. Initially focused on agriculture and forestry, the proposed post-Chernobyl recovery project was reoriented, at the Government's request, to improvements in infrastructure services, particularly heat and water. The project now aims to improve the provision of heat and hot water by addressing inefficiencies in the system. The project focuses on (a) improving energy efficiency through the replacement of outdated equipment and addressing leakage prevention and insulation needs in buildings; and (b) extending gas supply to households with wood-burning stoves. The project will intensify discussions between the World Bank and the Government on streamlining Chernobyl expenditures, and also serve as a first step towards other activities focusing on Chernobyl and Belarus.

23. The World Bank has intensified its cooperation with other actors in Belarus and has discussed cooperation with UNDP and other multilateral and bilateral agencies. The International Atomic Energy Agency (IAEA) has agreed to provide advice on any aspects of radiation that arise with regard to Bank project activities. IAEA has also indicated that, at the Government's request, it will direct some activities under its technical cooperation programme to address energy efficiency (see para. 41 below).

Health care

24. Efforts in health care focus on documenting the health impact of radiation; detecting and treating the thyroid cancer that has resulted from exposure to radioactive iodine in the first days after the accident; and improving the provision of health care in Chernobyl-affected regions and propagating healthy lifestyles — an approach that aims not only to teach people how to reduce radiation exposure but to counter more potent health threats, such as tobacco and alcohol abuse and poor diet. The findings of the Chernobyl Forum (see paras. 54-58 below) suggest that Governments and international agencies may need to revisit their assumptions about the population's health-care needs and shift resources towards more targeted

monitoring of high-risk populations while improving broader primary and preventive medicine.

25. The International Federation of Red Cross and Red Crescent Societies (IFRC), together with the national Red Cross Societies of Belarus, Ukraine and the Russian Federation, continue to run the Chernobyl humanitarian assistance and rehabilitation programme with the aim of identifying thyroid cancer and other thyroid pathologies in remote areas with poor health care, and providing referrals for further treatment. The programme serves 90,000 persons annually from high-risk groups.

26. Six mobile diagnostic laboratories — three in Belarus (Brest, Gomel and Mogilev), two in Ukraine (Rivne and Zhytomyr) and one in the Russian Federation (Bryansk) — render those services. Over the past two years, the programme has improved its early detection capabilities with on-the-spot fine needle biopsies carried out by the mobile laboratory in the Brest region. The aim is to expand this service to other regions. However, donor interest in the programme has steadily declined, raising concern about the programme's sustainability. To revive discussion on ongoing needs, IFRC plans to bring together its member national societies and other international organizations and government representatives for a round-table discussion.

27. Since the Chernobyl accident, WHO has attempted to understand the health consequences of acute and chronic radiation exposure and to provide scientifically based guidelines and recommendations on major Chernobyl-related health matters, working in cooperation with the three affected countries, and with international expert groups and WHO collaborating centres. Over the past two years, WHO has engaged actively in the work of the Chernobyl Forum, together with IAEA, to establish a factual, scientifically sound account of Chernobyl's impact on health (see paras. 54-58 below).

28. The Chernobyl tissue bank, established in 2000, is an international project to collect thyroid tissues from cancer patients who, as children or adolescents, were exposed to Chernobyl fallout. Such materials and patient data are essential for good molecular cancer epidemiology, especially for radiation-induced thyroid cancers. The project is currently supported by the Governments of the Russian Federation and Ukraine (but not by the Government of Belarus). Funding is provided by the European Commission, the National Cancer Institute of the United States of America and the Sasakawa Memorial Health Foundation of Japan. WHO contributes to the project as an active member of the Management and Scientific Committees.

29. In Belarus, the Chernobyl telemedicine project, a five-year joint project of WHO and the Sasakawa Memorial Health Foundation, was completed in June 2004. The project was designed to improve the provision of medical care by helping to establish a telecommunications infrastructure, develop telepathology (remote diagnosis) and promote tele-education. The project established special network links between expert centres worldwide and medical institutions in Minsk and Gomel, in cooperation with the Belarusian Centre for Medical Technologies; developed telepathology software and trained specialists, in cooperation with the Belarusian State Medical University; and developed tele-education software for medical students and doctors, in cooperation with the Belarusian State Medical University and Gomel State Medical University.

30. Plans are under way to continue the Chernobyl telemedicine project as part of the WHO eHealth initiative, in line with the fifty-eighth World Health Assembly resolution that encourages the use of information and communications technology in health care. Tele-consultation and tele-education offer promise in improving medical diagnosis and treatment in remote areas of Chernobyl-affected regions, and the Chernobyl telemedicine project is a model that is worth replicating in the Russian Federation and Ukraine, provided that adequate funding can be mobilized.

31. Though only indirectly linked to Chernobyl, the WHO Radiation Emergency Preparedness and Assistance Network supports the development of mechanisms and guidelines to prepare for and provide practical assistance in the event of overexposure to any radiation source. The Network currently comprises 14 WHO collaborating centres in 10 countries and 13 liaison institutions in 11 countries. The Network is expanding rapidly to regions where use of nuclear power is on the rise.

32. In Belarus, UNICEF is implementing a project on life skills and healthy lifestyle education in Chernobyl-affected areas, in cooperation with the Brest and Luninets local authorities, the Brest Regional Centre of Hygiene, Epidemiology and Public Health and the Swiss Agency for Development and Cooperation. The project, which is under way in the Luninets district of the Brest Region, aims to improve the health of children and adolescents living in contaminated areas and to train them to make informed choices about their health and development. The main objective is to raise the awareness of children, parents and teachers about the importance of adopting healthy lifestyles and life skills to reduce the impact of environmental risks. UNICEF and its partners strive to achieve this objective through the introduction of health and life skills education into the school curriculum; capacity-building initiatives for professionals; and the involvement of children in healthy life style promotion and informational and educational activities. So far 10 schools with a total of 2,200 students have been selected as project pilot sites in the Luninents districts.

33. In Ukraine and Belarus, in the past three years one of the areas of UNICEF cooperation with the Government has been the protection of the health and support for the development of infants and young children through increasing the rate of breastfeeding, eliminating iodine deficiency disorders through universal salt iodization, and developing primary health-care models and better parenting initiatives. When planning geographical coverage of those projects, UNICEF, together with the Ministry of Health and other partners, takes into account the needs of Chernobyl-affected areas as a priority.

34. A further example of UNICEF-led efforts to improve the health-care system is the "youth friendly clinic" initiative. Following piloting in Kyiv and other cities, in 2005, UNICEF is supporting the establishment of a youth friendly clinic in Chernihiv, the largest urban area in Ukraine affected by Chernobyl. This clinic is designed to provide medical, social and psychological assistance specifically for young people. It will serve some 1,000 adolescents per year with a total of 30 trained professionals and implementing youth-friendly services techniques.

35. In Belarus, the Swiss Agency for Development and Cooperation, together with the local administrations in three of the most-affected districts, is implementing a project aimed at improving health care for mothers and children. The project promotes both radiation-safe behaviour and healthy lifestyles, particularly for pregnant women and nursing mothers. It also provides medical equipment and

doctor training. In a related effort in the Bragin district, the Swiss Agency for Development and Cooperation is also supporting "inclusive radiation monitoring" by providing communities with personal dosimeters and modernizing village-based radiation control centres. Those efforts may expand under the CORE programme (see paras. 11-13 above).

36. As in the above case, many health initiatives focus on Chernobyl-affected regions but address broader health and lifestyle concerns unrelated to radiation exposure. The United States Government, for example, has funded numerous health programmes in Chernobyl-affected regions of Ukraine, including an eight-year, $3.7 million birth defects surveillance and prevention programme that was created in response to Congressional directives. The registries created through the programme found no link between Chernobyl exposure and birth defects, and instead determined that birth defects are the result of poor nutrition in economically depressed areas.

37. Iodine deficiency is traditionally endemic in many of the areas affected by the Chernobyl accident. Lack of dietary iodine causes growth stimulation in the thyroid, and some studies suggest that iodine deficiency increases the risk of radiation-induced thyroid cancer. Whatever the linkage, eradication of iodine deficiency carries a clear health benefit, particularly for children. Despite efforts by the three most-affected Governments, backed by the United Nations, legislation on the universal iodization of salt has not yet been passed in any of the three countries. As universal salt iodization is the most cost-effective way to ensure adequate iodine intake, the three countries would be well served to pass relevant legislation as soon as possible.

38. In an effort to encourage the use of iodized table salt in the affected regions, the European Commission funded, through its Technical Assistance to the Commonwealth of Independent States and Georgia programme, a €1.5 million project that in 2004 provided equipment to a table salt manufacturer in Mozyr, Belarus.

Radiation mitigation and standard setting

39. The United Nations Scientific Committee on the Effects of Atomic Radiation is the body specifically mandated by the General Assembly to assess scientifically the sources and effects of ionizing radiation. The Committee has participated in the Chernobyl Forum, with regard to reviewing the health effects due to radiation from the accident. In its report to the General Assembly at its sixtieth session, the Committee noted that the findings of the Forum had affirmed the scientific conclusions on health consequences contained in the report of the Committee to the General Assembly at its fifty-fifth session[2]. The Forum findings with regard to radiation health consequences are also consistent with previous international initiatives in which the Committee participated.

40. The Committee, in collaboration with scientists from the three most-affected countries, will continue to provide the scientific basis for better understanding of the radiation health effects of the accident. The next major report of the Committee, originally slated for publication in 2006, will be delayed. That report will cover findings on radiation impact that have been scientifically verified since the publication of the Committee's landmark 2000 report, which concluded that the vast

majority of the population faced no serious health consequences due to radiation or radionuclides.

41. In addition to its work as the lead organizer of the Chernobyl Forum (see paras. 54-58 below), IAEA has contributed to the mitigation of the consequences of the Chernobyl accident through its technical cooperation programme. Within that programme, practical solutions have been proposed in Chernobyl-affected countries to mitigate some of the effects of Chernobyl fallout, to reduce the radiological impact of the accident and to address its human dimension, where possible. As a result of the successful implementation of the rehabilitation project, a flour production line was commissioned at the milk-processing factory in the Gomel region of Belarus in 2004.

42. IAEA has launched the implementation of a large-scale regional project on long-term countermeasure strategies and monitoring of human exposure in rural areas affected by Chernobyl. This project aims at improving the radiological situation and creating conditions for long-term, stable socio-economic development.

43. IAEA is also assisting the nuclear regulatory authority of Ukraine in the regulatory process of decommissioning the Chernobyl nuclear power plant and in the development of an approach for characterizing and managing radioactive residual material resulting from investigating the status of the shelter and its reconstruction and/or repair. In addition, IAEA has provided its expertise for the planning of the proposed World Bank post-Chernobyl recovery project (see paras. 21-23 above).

44. In the post-Chernobyl years, the Food and Agriculture Organization of the United Nations (FAO) and WHO, in collaboration with IAEA, have focused on activities aimed at ensuring a better response in the event of a future accident of a similar nature. The current codex guideline levels for radionuclides in foods following accidental nuclear contamination for use in international trade are currently being revised to cover a wider range of situations and to serve as generic intervention levels for a year or more following a nuclear or radiological event.

45. In addition, the Joint FAO/IAEA Division of Nuclear Techniques in Food and Agriculture, in collaboration with the Agency's laboratories in Seibersdorf, Austria, is developing a radionuclide countermeasure information system to address concerns about radionuclide contamination. Identifying options for contaminated areas assists recovery by enabling income generation without jeopardizing customers' health. A strategy countermeasures compendium, developed with support from the research programme on nuclear energy of the European Atomic Energy Community, contains countermeasures that have been assessed against a common set of criteria. A broad range of countermeasures fulfils those basic criteria. A financial template was created to help users select countermeasures for contaminated areas. Financial performance indicators are provided for user-defined countermeasure projects. A web-based version of the economic tool and site-specific data, including radionuclide transfer factors, are slated for implementation as resources become available.

46. The Nuclear Energy Agency of the Organization for Economic Cooperation and Development has also addressed issues arising from Chernobyl. The 28 member countries of the Agency are committed to helping affected countries improve the public health of the populations affected by the accident and to learn from this

experience to be better prepared to deal with large-scale, long-term contamination situations of any origin. The Agency has focused on two main areas: learning how better to bring radiological protection science to the service of local decision-making; and improving nuclear emergency preparedness and management in general.

47. Following on its 1996 and 2002 reports on the impact of Chernobyl and its implications for Nuclear Energy Agency member countries, the Agency will publish a further report in April 2006 entitled "Stakeholders and radiation protection: lessons from Chernobyl after 20 years". The report will distil the work of the Agency on good governance in radiological protection decision-making, and provide guidance to radiation protection professionals, particularly those engaged in territories in the CIS and Western Europe.

48. The Agency has also continued its efforts to improve preparedness and management capabilities, both nationally and internationally, through the staging, in cooperation with other international organizations, of regular exercises under the International Nuclear Emergency Exercise programme established in 1990. Those exercises test national structures for nuclear power plant emergency response and have yielded significant improvements in international coordination and communications.

Reactor safety

49. The safety of the Chernobyl nuclear power plant has long been a matter of concern, for both the three most-affected countries and their neighbours, especially given the adverse conditions under which the existing sarcophagus was built. Those worries have yielded a firm international resolve to support Ukraine in efforts to build a new shelter to contain the damaged unit 4 of the reactor and to provide for the environmentally sound collection and storage of nuclear waste.

50. The Chernobyl Shelter Fund, managed by the European Bank for Reconstruction and Development (EBRD), was established in 1997 to carry out a shelter implementation plan to transform unit 4, which was destroyed in the 1986 accident, into a stable and environmentally safe state. Under the plans, an arch-shaped confinement with a height of 100 metres and a span of 250 metres will be assembled in a safe area near the site and eventually slid across the old sarcophagus. It is designed to provide a solid containment for the remnants of the reactor. It will also be fitted with equipment to undertake works that will become necessary in the future, such as deconstruction of unstable parts of the old shelter and the removal of its radioactive inventory. In 2005, the international donor community, led by the Group of Eight countries (and including the Russian Federation for the first time) and the European Commission, has additionally pledged close to €200 million, bringing the total to over €800 million. All infrastructure projects within the programme have been completed, works to stabilize the existing structure around unit 4 have started, the installation of a comprehensive monitoring system is ongoing and contract award for the design and construction of a new safe confinement is expected before the end of 2005. Completion of that programme, estimated to cost over $1 billion, is expected in 2009.

51. EBRD also manages the Nuclear Safety Account, which finances the construction of an interim spent fuel storage facility and a facility to treat liquid radioactive waste at the Chernobyl site. Both facilities are required to support the

decommissioning of units 1 to 3. The liquid radioactive waste facility is expected to be completed in 2006 and the interim spent fuel storage facility by 2009, subject to overcoming current difficulties.

52. The European Commission has been an important source of financing for Chernobyl efforts, particularly for research into the health and environmental effects of the accident and their mitigation, and activities aimed at improving nuclear safety. The Commission has co-financed studies for the decommissioning plan for units 1, 2 and 3 of the power plant, and for the shelter implementation plan for unit 4. The Commission has continued to devote significant resources to assist Ukraine in improving nuclear safety and restructuring the energy sector and is one of the major donors to the two EBRD-managed international funds (the Chernobyl Shelter Fund and the Nuclear Safety Account). It has also funded a project covering the retrieval, conditioning and storage of solid operational radioactive waste from the power plant. Construction work on the project is advanced and completion is due by mid-2006.

IV. Advocacy, information and public awareness

53. Public awareness and advocacy initiatives related to Chernobyl fall into three main areas: efforts by the international community to reach a scientific consensus on the impact of the nuclear accident on the affected territories and to determine areas in which continued research and study is needed; efforts to provide accurate, hands-on information to the affected populations to help them lead productive, healthy lives in the areas affected by Chernobyl; and efforts to alert the international community, and particularly donor countries and organizations, to the continuing but evolving needs of Chernobyl-affected communities and the three affected Governments.

Chernobyl Forum

54. In 2003, IAEA established the Chernobyl Forum as a contribution to the new United Nations strategy launched in 2002. This initiative included international organizations from within the United Nations system — WHO, UNDP, FAO, the Office for the Coordination of Humanitarian Affairs, the United Nations Environment Programme (UNEP), the United Nations Scientific Committee on the Effects of Atomic Radiation and the World Bank — as well as the Governments of Belarus, the Russian Federation and Ukraine. The Chernobyl Forum grew out of an understanding that uncertainty and misconceptions about the impact of Chernobyl were widespread, even among the scientific and medical communities in the affected countries. United Nations bodies also differed in their assessments, and those differences made coordination difficult. The need was thus clear for unequivocal, authoritative findings on the impact of the Chernobyl accident, both on the natural environment and on human health.

55. The Forum's mandate was to review and reconcile scientific research on the environmental and health consequences of the Chernobyl accident by issuing authoritative statements and recommendations reflecting shared positions of the Forum's participants about the long-term impact of the Chernobyl accident. Two expert groups were created, one addressing the consequences of the accident for human health, operating under WHO auspices, and another addressing the

environmental impact, operating under IAEA auspices. After a painstaking review of the scientific evidence, both expert groups prepared an assessment report, which also contained the Forum's recommendations to assist the affected countries in remediating the land contaminated with long-lived radionuclides and in providing health care to people affected by the accident. Those reports were discussed and approved by the three affected countries and the international organizations participating in the Forum. The Forum also identified further research needed to clarify remaining differences of views related to the accident's long-term impact.

56. To complement the findings on the environmental and health impact of Chernobyl, UNDP prepared a summary of the socio-economic consequences of the accident along with a set of related policy recommendations for the three Governments. This work drew heavily on the report entitled "The human consequences of the Chernobyl nuclear accident: a strategy for recovery", as well as on the World Bank report entitled "Belarus: Chernobyl review". Those findings and recommendations were endorsed by Chernobyl Forum participants under the heading "The way forward".

57. The findings of the Chernobyl Forum contained a reassuring message on the impact of radiation from the Chernobyl accident. Aside from a rise in the incidence of thyroid cancer (which proved in almost all cases to be curable), the Forum found no profound negative health impacts on the exposed population as a whole and also no widespread contamination that would continue to pose a substantial threat to human health. Precautions were still called for with respect to some restricted areas of high radioactive contamination and high-risk groups, such as the liquidators who worked at the reactor site in the days following the accident. The Forum did find, however, that the mental health impact of the accident had been profound, leading people to perceive themselves to be in ill health and condemned to a shortened life expectancy. Such misconceptions underscored the Forum's finding that the affected populations needed more accurate, practical information to help them lead healthier, more productive lives and to encourage them to take the future into their own hands.

58. To publicize its findings and recommendations, the Chernobyl Forum organized, through IAEA, an international conference on the theme "Chernobyl: looking back to go forward", held in Vienna on 6 and 7 September 2005. About 250 government officials, experts, donors and activists attended the conference, and the Forum findings received wide media coverage (for a concise digest of the findings, see http://www.iaea.org/NewsCenter/Focus/Chernobyl/index.shtml). Materials from the conference will be disseminated widely through the Forum's member organizations, other United Nations organizations and the mass media.

International Chernobyl Research and Information Network

59. The International Chernobyl Research and Information Network (ICRIN) is expected to be an important channel for translating the scientific findings of the Chernobyl Forum into information that is comprehensible and useful to the affected populations. ICRIN was launched in June 2003. Like the Chernobyl Forum, it was created in response to the finding that many residents of Chernobyl-affected areas were confused about the impact of radiation on their lives, and that excessive and often debilitating anxiety about health often coexisted with reckless disregard for basic precautions in reducing radiation exposure (such as avoiding consumption of mushrooms, berries and game). The network was conceived of as a way to help

overcome myths and misconceptions by compiling, consolidating and coordinating scientific research on the impact of radiation, commissioning further research where required and ensuring its effective dissemination to all stakeholders.

60. The first phase of the ICRIN project has been completed, thanks to funding from the Swiss Agency for Development and Cooperation and the Office for the Coordination of Humanitarian Affairs. In Belarus, the Russian Federation and Ukraine, surveys and focus group meetings, involving thousands of people in each country, were held in 2003-2004 to assess the information needs of Chernobyl-affected populations. In each country, a comprehensive report was published summarizing the findings. Those studies consistently indicated that affected communities still lack complete and trustworthy information on the consequences of the accident. Residents are mainly concerned with their health status and desire information on safe lifestyles in the contaminated areas, but worries about economic prospects are also prominent.

61. The three country studies have yielded a concise list of questions to which the Chernobyl-affected populations need unambiguous answers. Meeting that need is complicated by misconceptions that also persist outside the three affected countries. The findings of the Chernobyl Forum provide ideal raw material for dissemination, helping people lead healthier lives and overcome a paralysing legacy of worry and fear.

62. UNDP is currently seeking funding for the next phase of ICRIN, and a subregional proposal for funding has been submitted to the United Nations Human Security Trust Fund. Owing to the parallel work already concluded by the Chernobyl Forum, UNDP has revisited the original plans for ICRIN, which included a large research component, and opted to shift the focus to the adaptation and dissemination of available information. Given that much effort has been devoted to the provision of information since the accident occurred, yet the results have been meagre, efforts will also be made to devise imaginative approaches that will ensure that people both trust and act on the information provided, leaving myths and misconceptions behind.

63. Early efforts to this end have already been undertaken in Ukraine. Based on the results of the ICRIN study, in 2004 UNDP Ukraine launched a community-based information campaign. It supported an information provision system aimed at the development and dissemination of information materials according to the needs of various stakeholders and target groups in Chernobyl-affected areas. In Ukraine, information materials were prepared (leaflets, posters, brochures) and dissemination was started through school and health networks, village councils and community organizations in the territories of Ukraine most affected by the Chernobyl accident.

64. With a similar aim, UNICEF in Ukraine has planned since early 2004, but has not yet obtained the funds to implement, a special edition of *Facts for Life* to assist the Chernobyl-affected population in coping with environmental, social and health problems through the delivery of key messages, with a special focus on mothers, children and young people.

Other efforts to raise international awareness on Chernobyl

65. To draw attention to the forgotten crisis of Chernobyl, and in order to mobilize international assistance for humanitarian and development efforts, the Swiss Agency

for Development and Cooperation funded the creation in 2002 of a website (www.chernobyl.info). Linked to the United Nations Chernobyl website, it is intended to provide unbiased and reliable information on the effects of the accident and the current situation in the affected areas. Since 2002, the Swiss Agency for Development and Cooperation has continuously updated and developed the website as an international communications platform and a "manifesto against forgetting".

66. On the eighteenth and nineteenth anniversaries of the Chernobyl accident, the Secretary-General issued statements calling on the international community to remember those who continue to suffer the consequences and to show generosity in addressing the recovery needs of the affected communities.

67. On the occasion of the eighteenth anniversary, the Office for the Coordination of Humanitarian Affairs, in partnership with UNDP and with the participation of the Governments of Belarus, the Russian Federation and Ukraine, organized a high-visibility commemoration in the General Assembly Hall. The event featured the showing of an award-winning documentary film on the health situation in the Chernobyl-affected territories and speeches from Chernobyl-related charities. More than 1,000 people attended the ceremony, which concluded with the symbolic handover to UNDP of authority for United Nations coordination of Chernobyl matters.

68. Following up on the Secretary-General's visit to the Chernobyl area in 2002, the United Nations Coordinator of International Cooperation on Chernobyl visited the region from 25 January to 3 February 2004. This visit was followed in February 2004 by a visit to the Bryansk oblast of the Russian Federation by the UNDP Administrator. The United Nations delegation and local officials supported the creation, jointly by international donors and local stakeholders, of innovative and collaborative approaches to local economic development and community mobilization and empowerment. The meeting provided an ideal launching point for the UNDP project to create an economic development agency in Bryansk oblast (see para. 14 above).

V. Towards the twentieth anniversary

69. The approaching twentieth anniversary of the Chernobyl nuclear accident in April 2006 provides an ideal opportunity to draw the attention of the international community to the needs of the communities affected by the accident and its consequences, and also to provide a fresh case for generosity on the part of international donors.

70. All three of the most-affected countries are planning major events to commemorate the twentieth anniversary. Belarus has planned an international conference for 19 to 21 April 2006, and Ukraine has scheduled an international conference for 24 to 26 April 2006. The Russian Federation is organizing a commemorative exhibition. The three Governments are coordinating their efforts to avoid duplication and ensure maximum exposure, and the CIS is working to coordinate the preparatory process at the subregional level. The commemorative events are meant to be complementary, so the Belarus conference will focus on the rehabilitation and socio-economic development of Chernobyl-affected territories, while the Ukraine conference will cover the issues of decommissioning the Chernobyl nuclear plant and the safety of the sarcophagus.

71. United Nations bodies have signalled their commitment to helping the three Governments gain as high a profile as possible for the commemorative events scheduled to mark the anniversary. As the initiator of the Chernobyl Forum, IAEA has been invited to participate in the preparations for the twentieth anniversary conferences in Belarus and Ukraine. UNDP Ukraine is serving as a co-organizer of the Ukrainian conference, and the UNDP Resident Representative in Belarus is co-chair of the International Organizing Committee for the Belarus conference. Other bodies have committed to participating in commemorative events at the highest level possible.

72. Given the significance of the date, it would be appropriate for the President of the General Assembly to convene a special commemorative meeting of the United Nations General Assembly in the last 10 days of April 2006 in order properly to observe the twentieth anniversary of Chernobyl. Such a meeting could call attention to the continuing needs of the region by designating the period from 2006 to 2016 as "the decade of rehabilitation and recovery of Chernobyl-affected areas".

73. In all those events, the message that the organizers choose to convey will have crucial significance. In keeping with the new developmental approach to Chernobyl, it is important that commemorative events are forward-looking and focus on identifying solutions to the challenges that Chernobyl-affected communities face. As important as it is to honour the sacrifice and losses of the past, the best way to attract and keep fresh international attention will be by identifying a way forward on Chernobyl.

74. The Swiss Agency for Development and Cooperation has started an awareness programme on Chernobyl-related information for the concerned population and set up a website (http://www.chernobyl.info) with a database of activities planned, in the affected region and internationally, in connection with the twentieth anniversary of the Chernobyl accident in 2006.

VI. Resource mobilization

75. As was the case two years ago, most United Nations programmes aimed at addressing the human consequences of the Chernobyl accident remain chronically under funded. Donors that have treated Chernobyl as a humanitarian crisis have been pulled away by the many emergencies facing the world today. Agencies report persistent problems with funding ongoing programmes, not to mention new projects. This problem underscores the importance of providing potential donors with tested methods that hold the promise to solve Chernobyl challenges by mobilizing the energies of communities that have in many cases sunk into apathy and fatalism, and by demonstrating that money invested in Chernobyl can help create new livelihoods that will ultimately eliminate the need for further international support.

76. Governments and donors must also work together to ensure that the funds that are mobilized for Chernobyl projects are used in the most cost-effective manner possible. Given the limited funding pool available, United Nations coordination has an important role to play in ensuring that scarce funding targets the neediest people and that assistance efforts are in line with the generally reassuring findings of the Chernobyl Forum on the threat of radiation to human health and the environment.

VII. Concluding observations

77. The needs of the Chernobyl-affected populations have changed greatly over time. What was once an emergency operation aimed at protecting millions of people from exposure to radiation has evolved into a development effort oriented to helping communities to create new livelihoods and individuals to regain a sense of self-reliance. The new challenge is no less daunting than the old one, but it can be overcome if international organizations and affected Governments work together to share knowledge and put to use methods that have proven successful elsewhere. Such cooperation offers the chance to transform victims into survivors, and to transform Chernobyl from a symbol of destruction to a symbol of human resilience and hope.

Notes

[1] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 46* (A/60/46).

[2] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 46* (A/55/46).

Annex I

Report of the Government of Belarus

[Original: Russian]

The Chernobyl disaster contaminated the Belarusian territory with long-lived caesium, strontium and plutonium radionuclides. Approximately 44,000 sq. km (21 per cent of the country's surface area) is contaminated with caesium-137; 21,000 sq. km (10 per cent of the surface area) is contaminated with strontium-90; and 4,000 sq. km (2 per cent of the surface area) is contaminated with plutonium isotopes. As a result of natural decay, soil contamination with caesium-137 is expected to fall below 37 kBq per square metre within a 30-kilometre zone around the Chernobyl nuclear power plant roughly 300 years after the accident (or later at some specific places).

Practically the entire population of Belarus was exposed to radioactive iodine for several months after the disaster. As a result, the incidence of thyroid cancer, especially among irradiated children and adolescents, rose to levels unprecedented in world history. In view of the long-lived radionuclides in the environment, the population is still subject to chronic internal and external irradiation.

Over the years, much has been done to address the consequences of the Chernobyl disaster. Three Chernobyl-related State programmes have been carried out. A legislative and regulatory framework for all essential aspects of the relevant activities was established, based on the Acts of the Republic of Belarus "on the social protection of citizens affected by the Chernobyl nuclear power plant disaster", "on the legal regime of areas impacted by the radioactive contamination from the Chernobyl nuclear power plant disaster" and "on the radiation safety of the population".

For the 137,600 people evacuated from the areas contaminated by radioactivity, over 66,000 apartments and houses were built in 239 settlements established in the country's uncontaminated regions with the required infrastructure and service facilities. Equipment was provided for the settlements and densely occupied areas where the evacuees were housed. General education schools for 45,699 pupils, kindergarten and nursery facilities for 18,505 children, polyclinics and outpatient units for 21,312 visits per shift and hospitals with a total capacity of 4,590 beds have been built. Work on supplying gas to the affected areas is in progress.

The State policy on overcoming the consequences of the Chernobyl disaster aims mainly at ensuring the safety of the population and protecting the health of the one and a half million people still inhabiting the contaminated areas, including approximately 100,000 persons participating in the liquidation of the aftermath to the accident.

To achieve the goal that has been set, a series of measures are being taken with a view to protecting the population from radiation by limiting the doses of irradiation and maintaining them at the legally specified level. Protective measures are continuously implemented in the agro-industry and forestry sectors with a view to obtaining products that fulfil official minimum requirements. Contaminated land totalling 1.3 million hectares is currently used for agricultural production. Thanks to

technology developed by Belarusian specialists, the produce in those areas meets non-contamination standards.

The number of communities where the radiation-monitoring system detects cases of milk production exceeding the authorized caesium-137 content level is decreasing. Such "critical" communities are part of a zone to which State authorities pay special attention and where the resources necessary for implementing protective measures are primarily channelled as a top priority.

State policy attaches great importance to the health problems of the affected population, those participating in the work of eliminating the consequences of the accident, and children living in the contaminated areas. A system developed by scientists and funded from the State budget provides medical monitoring, clinical examinations, illness diagnosis and treatment, sanitation and therapy in sanatoriums and health resorts mitigate to some extent the health damage suffered.

According to forecasts, however, in addition to the growing incidence of thyroid cancer among persons exposed to radioactive iodine, an increase in the number of cases of other forms of malignant neoplasm and cardiovascular and other non-oncological types of disease may be expected in the years immediately ahead. Accordingly, the Government monitors closely the health problems of the affected population. Belarus continues to take steps to improve medical assistance to the population, provide public health units with modern equipment and medicinal preparations and assign qualified medical staff to the affected areas.

Yet many problems still need to be solved. The population continues to be preoccupied with issues of health, clean production, normal working and residence conditions, and radiation safety in the environment. Accordingly, the Government plans to continue to provide financial resources to the affected areas. The use of the resources, however, and the actual benefit accruing to society must be based on optimization approaches that are internationally recognized.

The primary thrust of any further strategy for dealing with the consequences of the Chernobyl disaster must be the progressive rehabilitation of the contaminated areas and the resident population. The goal is to create conditions allowing people to lead a normal life and to engage in profitable economic activities, unfettered by the radiation factor. The approaches to rehabilitation that must be adopted to that end should be based on cost-benefit analyses.

Rehabilitating the contaminated areas is intertwined with radiation-related ecological problems and economic, demographic, social and psychological issues. Experience shows that the solution to such problems requires a detailed assessment of all factors determining the situation in a given community. Successful rehabilitation also depends on the population's perception of the measures taken. Therefore, questions related to providing information to the population and the local government bodies are particularly important.

The Government of Belarus is drawing up the 2006-2010 State programme for addressing the consequences of the Chernobyl disaster with a view to ensuring real economic recovery and sustainable development in the affected areas. Production should not only be "clean", but also profitable. The recommendations of the United Nations international scientific body, the Chernobyl Forum, will be taken into account in formulating the above programme.

In tackling the problems related to Chernobyl, Belarus cooperates closely with a number of agencies of the United Nation system, donor Governments and non-governmental organizations (NGOs).

An essential indicator of the effectiveness of international assistance is its ability to supplement the main thrusts of national policy on the consequences of the disaster.

Assessment missions, the United Nations report entitled "The Human Consequences of the Chernobyl Nuclear Accident: A Strategy for Recovery" and the World Bank report of 15 July 2002 entitled "Belarus: Review of the consequences of the Chernobyl nuclear accident and a programme for addressing them" have been the most significant steps taken by the international community with regard to assessing the consequences of the Chernobyl disaster. As a follow-up to these documents, the Republic of Belarus has launched the implementation of a new integrated development initiative, the CORE (Cooperation for Rehabilitation) Programme.

The Chernobyl Forum and the International Chernobyl Research and Information Network play a key role in promoting international cooperation on the problems related to Chernobyl. In the course of their work, they have assessed the medical and ecological consequences of the disaster, determined the needs of the affected population in terms of information and formulated practical recommendations regarding the decontamination of soil polluted with radionuclides and the provision of medical assistance to the affected population.

The next logical step is to organize international cooperation in the practical implementation of the recommendations made, draw up a plan for further work by the International Chernobyl Research and Information Network and raise funds for the implementation of that plan.

In view of the approaching twentieth anniversary of the Chernobyl disaster, the Republic of Belarus is organizing an international conference on the Chernobyl accident to address issues related to the revitalization and sustainable development of the affected areas.

Annex II

Report of the Government of the Russian Federation

[Original: Russian]

The Russian Ministry for Emergency Situations which is the lead agency in the Russian Federation for dealing with Chernobyl issues and addressing the consequences of the Chernobyl disaster, is working within the framework of the following special programmes and subprogrammes:

- The federal special programme "Dealing with the consequences of radiation accidents up to the year 2010" (subprogramme "Dealing with the consequences of the accident at the Chernobyl nuclear power plant"), approved by decision No. 637 of the Government of the Russian Federation, dated 29 August 2001;
- The federal special programme "Housing" (subprogramme "Provision of housing to persons participating in the work of eliminating the effects of radiation accidents and disasters", approved by decision No. 760 of the Government of the Russian Federation, dated 16 October 2002;
- The "Programme of joint activities for dealing with the consequences of the Chernobyl disaster within the Union State for the years 2002-2005", approved by decision No. 17 of the Council of Ministers of the Union State of Russia and Belarus, dated 9 April 2002.

Over the last two years more than 850 million roubles from the federal budget have been spent in implementing the measures provided under this programme and its subprogrammes in the Russian Federation.

The main tasks facing the subprogramme "Dealing with the consequences of the accident at the Chernobyl nuclear power plant" are to complete and commission capital construction projects on the areas affected, provide victims with the medical care needed, lower the doses of radiation and restore normal living and working conditions in the areas contaminated by radioactivity (with no limitations set on their activities because of radiation). More than half a billion roubles in capital investments was allocated and spent on these tasks in 2003-2004, thanks to which approximately 20,000 square metres of housing space and 84 kilometres of gas mains, two schools catering for 477 pupils and other sites were returned to use in the Bryansk, Kaluga, Orël and Tula regions in two years. Specialized medical care was provided at the regional and federal level to people living in the worst-contaminated areas of these regions from the funds earmarked under "other expenses", accounting for approximately 70 million roubles during the period under review. More than 10,000 persons, for instance, including those who had participated in the clean-up at the Chernobyl nuclear power plant and their children, were covered in a particularly detailed medical investigation.

Equipment for treatment and diagnostics, reagents, and consumable supplies were all bought to upgrade the technical facilities of the medical institutions providing this type of service. Moreover, under plans for practical measures approved by the Ministry for Emergency Situations, organizations under the Ministry of Health and Social Development, the Ministry of Agriculture, the Federal Service for Hydrometeorology and Environmental Monitoring, and the Ministry of

Natural Resources carried out protective work and remediation in the contaminated areas of these regions, and conducted radiation and general public health monitoring.

The subprogramme "Provision of housing to persons participating in the work of eliminating the effects of radiation accidents and disasters" in 2003-2004 improved the conditions in which more than a thousand families of participants in the clean-up of the Chernobyl accident are housed.

A major challenge facing the joint action programme of the Union State of Russia and Belarus is to improve and maintain the combined Russian-Belarusian system for providing specialized medical care to the victims. In 2003-2004, work was done to reconstruct the Medical Radiological Research Centre of the Russian Academy of Medical Sciences in Obninsk, and both the National Centre for Emergency and Radiation Medicine of the Ministry for Emergency Situations, in St. Petersburg, and the Gordeevka District Hospital in the Bryansk region were equipped with modern equipment.

In 2004, a Russian-Belarus information centre for the problems of dealing with the consequences of the Chernobyl disaster (based at the Russian Academy of Sciences' Institute for the Problems of Safe Development of Nuclear Energy, in Moscow) was set up as part of the implementation of the joint action programme. Under the same programme, mobile radiological laboratories and other equipment were provided to specialized agricultural and forestry agencies which carry out radiation monitoring and other research-oriented and practical work in the regions affected by the Chernobyl disaster.

Under this programme, agriculture and forestry continued in the areas contaminated by radionuclides, and agricultural and forestry specialists were trained in measures aimed at optimizing the use of radionuclide-contaminated land. Training and public information campaigns have been conducted among the residents of communities affected by the Chernobyl accident on ways to produce quality foodstuffs on their private household plots and other crucial issues.

Over the last two years, a total of 281.8 million roubles was spent on the implementation of this programme.

Under the subprogramme "Dealing with the consequences of the accident at the Chernobyl nuclear power plant" and the "Programme of joint activities for dealing with the consequences of the Chernobyl disaster within the Union State for the years 2002-2005", there has been scientific research aimed at improving the methods for diagnosis, treatment and disease prevention for citizens exposed to radiation, and at improving agriculture and forestry in the regions affected by radioactive contamination and tackling other important problems in eliminating the effects of the Chernobyl disaster.

Annex III

Report of the Government of Ukraine

[Original: Russian]

Under the annual comprehensive programme of measures to overcome the consequences of the Chernobyl disaster in the exclusion and unconditional evacuation zones, the Ministry of Emergencies and Protection of the Population from the Consequences of the Chernobyl Catastrophe is carrying out the following activities:

Monitoring of the radiation status of the environment and ensuring radiation safety;

Localization, transport and burial of radioactive waste, deactivating materials and maintaining radioactive waste repositories;

Implementing water protection measures to minimize radionuclide seepage into Kiev reservoir through watercourses;

Implementing specialized forestry and fire-fighting measures.

As a result of these Ministry activities, the radioecological situation in the exclusion zone has remained stable in recent years, and no emergencies are expected to arise in the areas concerned in the current period.

One of the most important events was the building of a Vector production complex for waste storage and reprocessing. Work is being done to construct and operationalize infrastructure units to be used for building, with the assistance of the European Union, an industrial complex for solid radioactive waste management.

Recently, international cooperation in minimizing the consequences of the Chernobyl disaster has been stepped up. The plan is to implement such programmes of technical assistance to the Commonwealth of Independent States and Georgia (TACIS) as modernizing the automated system for monitoring and reacting to emergencies in the Chernobyl exclusion zone; developing the system for monitoring and reacting to them; and drawing up a draft comprehensive radioactive waste treatment programme for the period 2006-2009.

In accordance with the Shelter Implementation Plan (SIP) — being carried out under the Framework Agreement between Ukraine and the European Bank for Reconstruction and Development (EBRD) — the majority of planned infrastructure units for the Chernobyl nuclear-power plant site have been operationalized. Programmes are either already completed or will be completed in the coming months. This will provide protection for personnel during construction of the new safe confinement. Work continues on stabilizing the Shelter site.

National policy in the field of the comprehensive protection of those affected by the consequences of the Chernobyl accident is based on the following principles:

Priority is given to the lives and health of the people affected; the State is fully responsible for creating safe, healthy living and working conditions;

The comprehensive resolution of health-care issues, social policy issues and issues concerning the utilization of contaminated areas on the basis of national

programmes and taking account of other aspects of economic and social policy and advances in science and environmental protection;

The social protection of people, full compensation for injuries incurred by individuals affected as a consequence of the Chernobyl disaster;

The use of economic methods to improve life by means of a policy of preferential taxation benefiting affected citizens and their associations;

The implementation of occupational-retraining measures and upgrading the skills of the affected population;

Ensuring coordination of the activities of State agencies, institutions, organizations and citizens' associations in solving problems concerning the social protection of the affected population and conducting consultations between State agencies and those affected, as well as among all social groups in taking decisions on social protection at local and State levels;

International cooperation on health-care issues, social and radiation protection, health and safety measures at work, and making use of global experience in such matters.

Under the law, individuals affected receive annual medical tests and benefit from treatment in resort sanatoriums and from centres set up to provide them with medical checks, treatment, socio-psychological rehabilitation and vocational guidance.

State medical supervision gives particular attention to the radiation protection of the population living in radiation-contaminated areas and to organizing the provision of a complete, free and balanced diet for affected children.

In the whole of 2004, more than 2,318,300 individuals, including 451,800 children, affected as a result of the Chernobyl disaster were under observation by the medical institutions in the Ministry of Health system.

The individual registration and the long-established automated monitoring, carried out by the Ukraine State registry system, of individuals affected as a result of the Chernobyl disaster contained information on 2,242,111 persons as of 1 January 2005.

A network of medical institutions, ranging from district polyclinics to clinics in scientific research institutes, has been put into operation to provide medical assistance to those affected. Thirteen specialized dispensaries, centres and hospitals have been opened.

In September 2002, the Government of Ukraine, together with the United Nations Development Programme (UNDP), began implementation of the Chernobyl Recovery and Development Programme for 2002-2005. Basic assistance is concentrated at regional and district levels. The aim of the project is to revitalize the Chernobyl areas and increase the social activism and responsibility of the rural population.

Thanks to the combined efforts of Ukraine and the international community, and in particular the United Nations, a series of urgent issues linked to the consequences of the Chernobyl disaster have been successfully resolved.

The Ministry of Emergencies and Protection of the Population from the Consequences of the Chernobyl Catastrophe considers it expedient to underline the following with regard to future cooperation with the United Nations:

1. The material and technical provision of up-to-date diagnostic equipment, medicines, reagents and expensive medical materials to specialized medical institutions does not ensure a corresponding level of medical assistance to persons affected and those in need of organ transplants, heart and brain operations, cancer treatment, etc.

2. Ukraine would be grateful for assistance in carrying out and financing such operations.

3. An effective measure in the socio-psychological care of those affected is the establishment of five centres for rehabilitation in this field and providing the population with information on issues concerned with overcoming the consequences of the Chernobyl disaster with the participation of the United Nations Office in Ukraine. The Ministry of Emergencies and Protection of the Population from the Consequences of the Chernobyl Catastrophe proposes to extend the network of these interregional centres.

4. Further support is needed for efforts to determine the radiation dose for those who took part in the Chernobyl accident clean-up and other categories of people affected by its consequences, and for involving persons for whom initial dosage assessments are lacking in this research.

5. It is necessary to continue research on thyroid cancer prevention, especially among those who were not over 18 years of age at the time of the accident. It is also necessary to continue iodine deficiency treatment, especially in children.

In order to solve the problems that still exist, the Chernobyl issue must be kept on the agenda of the United Nations General Assembly, and Ukraine's cooperation with the United Nations and those of its specialized agencies working in this area must be expanded.

Annex to the letter dated 24 October 2005 from the Permanent Representative of Sweden to the United Nations addressed to the Secretary-General

Report of the High-Level Meeting on "Building Partnerships for Promoting Gender Justice in Post-Conflict Societies" organized by the Swedish Ministry for Foreign Affairs, in cooperation with the UN Development Fund for Women (UNIFEM) and the International Legal Assistance Consortium (ILAC), in Stockholm on 25–26 August 2005

A. INTRODUCTION

1. In fragile post-conflict settings, a country emerging from war and seeking to secure peace, justice, and democracy faces many challenges across the humanitarian, development and security spheres. As Baroness Valerie Amos, Leader of the House of Lords and President of the Council of the United Kingdom, speaking on behalf of the Presidency of the European Union, so succinctly stated at this meeting:

> "Wherever the rule of law is replaced by conflict, then everyone suffers, but women suffer disproportionately. Wherever justice systems are under-resourced, dysfunctional, corrupt, inaccessible, powerless or even non-existent, then everyone suffers, but women suffer disproportionately. Wherever impunity is the norm, not just for yesterday's crimes but also for today's, not just for sexual violence, but for corruption, theft or land-grabbing, then everyone suffers, but women suffer disproportionately."

That the requirements of gender justice in a post-conflict society are immediate and vast is well-established. It is also broadly acknowledged that a country's transition from conflict provides unique opportunities to adopt strategies and policies for the re-establishment of rule of law and the promotion of gender equality and gender justice as well as the direct participation of women throughout the transition process. A core issue to be confronted is how the international community can best support national actors in promoting strategies, policies and programmes which integrate gender perspectives throughout the legal and judicial framework and ensure that women's capacities are fully utilized in the transformation of the country.

2. To contribute to efforts to accelerate implementation of the objectives and calls of Security Council resolution 1325 (2000), which underlined the need to mainstream gender justice and gender equality in conflict prevention, conflict resolution and peace-building processes, UNIFEM and ILAC organized a Conference on Gender Justice in Post-Conflict Situations, with the theme "Peace Needs Women and Women Need Justice", from 15-17 September 2004 in New York City. The Conference built on the findings and recommendations of the 2002 report of the UNIFEM-appointed Independent Experts, Mrs. Elisabeth Rehn (former Defense Minister of Finland) and Ms. Ellen Johnson Sirleaf (former Finance Minister of Liberia), entitled *The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peacebuilding* (Progress of the World's Women 2002, Vol. 1). The Conference brought women holding key legal and judicial positions from over twelve conflict-affected countries together with a range of international players -- representatives of other Member States, regional organizations, senior UN officials, non-governmental organizations (NGOs), academic institutions, foundations and private entities -- so that they could share their views on whether the gender justice aims of resolution 1325 were being implemented in justice-related activities of national and international actors on the ground

(including in UN peace operations). The three-day dialogue resulted in a broad range of observations and recommendations relating to the priority gender justice requirements and assistance most needed in the conflict-affected countries concerned as well as best practices that had emerged in some of those countries. The report of the Conference (hereinafter "UNIFEM/ILAC Conference") was brought to the attention of the Security Council and issued as a document of the Council (S/2004/862 of 26 October 2004).

3. The High-Level Meeting in Stockholm on "Building Partnerships for Promoting Gender Justice in Post-Conflict Societies", organized by the Swedish Ministry for Foreign Affairs, in cooperation with UNIFEM and ILAC, from 25–26 August 2005 (hereinafter "Stockholm Meeting") was a follow-up to the UNIFEM/ILAC Conference. Taking stock of the recommendations emanating from the UNIFEM/ILAC Conference, as well as the ongoing process of UN reform, the overall goal of the Stockholm Meeting was to focus on how gender justice requirements, within the context of rule of law and post-conflict peacebuilding, can best be addressed and operationalized in such settings.

4. The Stockholm Meeting, chaired by Swedish State Secretary Annika Söder, brought together key partners within the UN system; Member States, including national women stakeholders (primarily at the ministerial level) from Afghanistan, Haiti, Liberia and Sudan; regional organizations; international financial institutions (IFIs); and NGOs. These partners were brought together to determine what major conclusions and recommendations raised at the UNIFEM/ILAC Conference require follow-up action by the UN system as a whole as well as by Member States, regional organizations, NGOs and other relevant actors, as well as to forge strategic partnerships for implementation and funding of such action so that progress on the recommendations can be achieved.

5. The Minister for Democracy, Metropolitan Affairs, Integration and Gender Equality in the Ministry of Justice of Sweden, Mr. Jens Orback, set the stage for the meeting by stating:

> "When we talk about armed conflicts or other kinds of political violent crisis which occurred in history, it is often easy to be wise afterwards. We say that 'if we had only known,' 'had we had the information,' 'if we had been there we would have . . .', but we often say those wise words when the conflict is over, or when the assaults are already a fact; when it is too late to have injustice undone. But it is not too late however to learn from history and it is not too late to do everything you can to prevent this from happening again. We are well aware of these gender issues that are most pressing in the world and we have the chance to do something here and now."

Minister Orback concluded his opening remarks by requesting that the participants use the meeting to "transform words into action".

6. For the sake of clarity and consistency, the recommendations in this Stockholm Meeting report are presented under the same thematic headings as those in the UNIFEM/ILAC Conference report. This report focuses specifically on the recommendations that emerged from both the UNIFEM/ILAC Conference and the Stockholm Meeting, and does not attempt to summarize the important and moving discussions that occurred on other topics and issues. Copies of the written statement of each speaker, as well as the meeting agenda, list of participants and concept note for the meeting, are posted on the Swedish Ministry of Foreign Affairs' website at www.ud.se as well as on UNIFEM's website at www.unifem.org. To give a broader context to the recommendations from the Stockholm Meeting, they have been grouped under various recommendations extracted from the

text of the UNIFEM/ILAC Conference report; that extracted text is presented in this report in italics.[1] However, this extracted text is not intended to comprehensively include all the recommendations and observations raised at the UNIFEM/ILAC Conference,[2] and includes only those recommendations that were further discussed in Stockholm. In an effort to focus on the main recommendations that emerged from the Stockholm Meeting and to also provide a comprehensive overview, the recommendations are consolidated, where appropriate, without attribution. The recommendations in this report are not presented in order of importance; the meeting time in Stockholm did not allow for prioritization.

7. To facilitate the Stockholm discussions, all speakers and participants were provided with a copy of the full UNIFEM/ILAC Conference report (and the augmented Conference Publication) as well as a Concept Note for the meeting which included an annex containing the "Key Conference Recommendations Relating to Institutional Structures and Mechanisms Needed for the UN System to Better Respond to the Gender Justice Requirements of Women in Post-Conflict Societies". An additional backdrop to the discussions at the Stockholm Meeting was the proposed UN Peacebuilding Commission;[3] extensive discussions during the meeting underlined the importance of the UN including gender justice in the agenda of the Commission as well as in its support office. Consequently, and in light of the ongoing process of UN reform, this report has a strong emphasis on recommendations relating to the UN.

8. The overview presented in this report draws liberally from the voices of experience heard at the Stockholm Meeting. But there has been no effort to independently validate the statements made during discussions at the meeting or in the written submissions of the speakers.[4]

B. RECOMMENDATIONS

I. Reform of National Laws (including Customary/Traditional Systems of Law) and Constitutions to Address Discriminatory Practices and Gaps and to Advance the Protection of Women's Rights in Conformity with International Law

9. *Maintaining the status quo of the legal system during the post-conflict period, when so much has changed and yet so much remains unchanged for the welfare of women and girls, can be a convenience many post-conflict leaders seek. But, for at least some period of time, the world's attention on the conflict and its aftermath highlights the weaknesses of the national legal system and demands change. (NY para. 10)*

Gender justice cannot be realized as long as countries continue to maintain laws that discriminate against women. While such gender-linked flaws in the laws exist in the absence of any armed conflict or post-conflict situation, the fact that they persist into the post-conflict period makes it extremely difficult to ensure the participation of women in critical transitional developments and emerging institutions and, more generally, their full integration and well-being in society. A large

[1] All extracts from the UNIFEM/ILAC Conference report are followed by a reference to the paragraph number where they can be found in that report (S/2004/862). However, in some instances, the text may be included under a different inter-related heading in this report than it was in the UNIFEM/ILAC report.

[2] The full written statements of the speakers at the UNIFEM/ILAC Conference and the 46-page compilation of summary extracts from those statements, as well as the Conference report, are posted on UNIFEM's web portal on women, peace and security at http://www.womenwarpeace.org/issues/justice/gender_justice_conference.htm.

[3] The Stockholm Meeting took place prior to the UN General Assembly's adoption of the 2005 World Summit Outcome, and therefore the recommendations at the Stockholm Meeting do not refer to the decisions reflected in that document.

[4] The Rapporteur for the Stockholm Meeting was Ms. Shelby R. Quast.

number of discriminatory laws explicitly perpetuate de jure discrimination with regard to personal status, marital status, violence against women, property ownership, and inheritance rights. The problem becomes particularly complex to unravel when codified law that may espouse equality co-exists with a local customary law that discriminates against women. (NY para. 11)

Whenever laws perpetuate women's inequality, even when their language appears gender-neutral, they constitute discrimination in violation of international norms. (NY para. 12)

[Some legal systems] continue to treat rape and crimes of sexual violence as "honour" crimes. Such obstacles to gender justice need to be removed through persistent efforts at thorough reform of national laws and civic education. (NY para. 22)

As legal reform unfolds, it will achieve its greatest potential provided massive education programs about gender-based violence and newly adopted or strengthened legal norms are undertaken by post-conflict governments, in consultation with and with the active support of civil society organizations, such as women's groups, as well as UN peace operations, UNIFEM and other UN agencies in the field. (NY para. 15)

Reform of Discriminatory Laws

- Implementation of justice in countries recovering from conflict first demands that human rights violations against women and girls are seen, and treated by the justice system, as crimes. Injustices experienced by women and girls must not be pushed into informal, traditional or customary law systems, which are often gender blind. Government policies and institutions should be established, and studies conducted, to address and redress gender disparities in a country. Laws that are discriminatory or humiliating toward women must be reformed; the language in these laws should establish equal rights for men and women alike.

- Housing, property ownership, inheritance and personal status issues, which often lie at the heart of post-conflict reconstruction, require additional attention in terms of the implications and impact on women and the discriminatory effect of relevant laws on them. The international community must significantly increase assistance and resources devoted to reforming such laws which often discriminate against women.

10. *In recent decades, there has emerged an international legal framework of protection for the rights of women in human rights treaties and the criminalization of many types of gender violence in international conventions and the statutes of international criminal tribunals. (NY para. 13)*

International experts need to be engaged in identifying the gaps between international law and the relevant national law and then working with national stakeholders to strategize revision. (NY para. 14)

Special attention should be paid, both by national bodies in post-conflict countries and by international partners providing support and assistance, to incorporate into national law those standards and objectives already set forth in Security Council resolution 1325 and recommended in the Independent Experts' Assessment. Technical assistance and financial help from bilateral and multilateral donor entities are needed to enhance work on gender justice and make it easier for post-conflict governments...to embark on needed reforms. (NY para. 15)

Harmonization with International Laws and Standards

- Gaps between the national laws of a conflict-affected country and international standards and norms must be identified. There should be increased focus on the need for such countries to ratify international conventions and to harmonize national law with international laws and standards, including those set forth in the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), human rights treaties, and Security Council resolution 1325. To achieve reform of such national laws in conformity with these international instruments, they must be widely disseminated and explained in a manner which women and civil society in general can easily understand. In addition, experts are needed for specialized training for judges, prosecutors, and lawyers of the conflict-affected country in such laws.

Existing International Tribunals

- The jurisprudence of ad hoc international tribunals (e.g., International Criminal Tribunal for the Former Yugoslavia (ICTY), International Criminal Tribunal for Rwanda (ICTR)) and the International Criminal Court (ICC) can play an important role in national law reform. Specifically, the jurisprudence and case law of such tribunals and the definitions of gender-based crimes and standards of investigation established by them could be utilized in the context of national law reform efforts and transitional justice mechanisms.

II. Ending Impunity for Crimes Against Women and Creating an Environment of Accountability, Reconciliation and Tolerance: Establishment of More Gender-Sensitive Justice and Transitional Justice Mechanisms and Provision of Reparations and Rehabilitative Services to Victims

11. *Victim and witness protection, particularly relating to the prosecution of gender-based crimes, remains critical to the success of prosecutions of perpetrators, and yet very few resources and very little expertise are allocated for these key requirements. (NY para. 23).*

Sufficient participation by women victims in the various mechanisms involved in the compensation process also would help free the women who have been reduced to silence by their feelings of shame and give them confidence that their situations will be properly addressed. (NY para. 42)

Victim Compensation

- There is a critical need for programmes to be established in conflict-affected countries which offer protection to victims of rape and other forms of violence against women as well as the provision of immediate compensation/assistance to victims, irrespective of whether those cases have concluded in the courts or the perpetrators have been identified. The development of these programmes requires international expertise and funding support. The provisions of the ICC statute regarding victim compensation, as well as the lessons learned from the ICTR and the ICTY, could be useful in the creation of such programmes.

Witness Protection

- There is an urgent requirement to develop and provide sufficient resources for witness protection programmes in conflict-affected countries. Resources are also needed for the establishment of safe houses and temporary shelters for both victims and witnesses.

12. *One of the most important long-term objectives should be the creation of a culture of tolerance in post-conflict societies. Legal reform can promise to be a major impetus for changing attitudes and the conduct of men towards women, but sometimes it takes much more.... Although a legal framework is necessary, the creation of a culture of tolerance should be emphasized. This culture should be fostered at all levels of political and social life.... However, as noted by Namibia's Attorney General, 'the mere existence of such instruments will be worthless without the effective enforcement in a society that has, as its foundations, the respect for human dignity'. Legal reform can help minimize intolerant, discriminatory and violent behavior towards women, but sustained political leadership -- with women among the ranks -- committed to gender justice in society at large can also make a substantial difference. (NY para. 26)*

Recognizing that men are better empowered in many post-conflict societies to promote gender equality, there should be greater outreach and education efforts focusing on men and boys. The United Nations should be more active and visible in cultivating constructive male attitudes in societies where tradition and customary law and practice so heavily fortify stereotypical views about, and unequal roles for, women. This may call for a major initiative directed towards changing the attitudes of men and boys through intensive and widespread educational programs. (NY para. 27)

Culture of Tolerance

- To create an effective strategy or programme for gender justice in a conflict-affected country, it is important to focus not only on the high politics of the *state*, but also on the areas where the most profound injustices rest, such as in the deep politics of *society* and the resulting social and psychological barriers that prevent women from accessing justice.

- The international community must provide support for women in a conflict-affected country to challenge unequal and unfair practices that are often presented as part of custom and culture. General respect for the culture and traditions of a country is, of course, expected but not when it is invoked to tolerate or promote crimes against women and not when it makes the situation for women unbearable.

- Practices that are discriminatory and encourage violence against women, such as forced marriage of girls under 18 years of age, using women as peace offerings to settle disputes, and giving away women as payment for debts, must be stopped.

- The platform for achieving gender equality and gender justice in a conflict-affected country is not owned by the ruling party or by the government, but by people committed to transformation within society. Women must build alliances with those in power and those seeking power; the efforts of individual women and women's groups and institutions alone are not enough. The support of male leadership is key to effecting change and achieving the objectives of gender justice. Men and boys at all levels of society must be committed to and actively involved in the struggle for gender equality and gender justice.

- Long-term funding and expertise are needed to support the establishment of outreach programmes which aim to mobilize gender justice advocates, including men and boys, and provide civic education within communities so that the population gains an understanding that gender equality and gender justice benefit all of society and not only women.

13. *The transformation of national legal systems has lagged far behind the creation of international criminal tribunals, despite the overwhelming need for domestic justice with regard to tens of thousands of alleged perpetrators of genocide, crimes against humanity, or war crimes. In addition*

to the fundamental challenge of creating some kind of judicial and/or non-judicial accountability mechanism, there is the additional task of ensuring that gender justice is understood and incorporated into any such mechanism. Despite many deficiencies and obstacles at the national level, it remains important that prosecution of gender-based crimes occur at the national level to the greatest degree possible. (NY para. 29)

At the international level, the International Criminal Court (ICC) is establishing definitions of gender-based crimes and standards of investigation that offer great hope for gender justice. In addition, the Rome Statute of the ICC requires gender-balanced recruitment policies and seven women judges were elected to the 18-judge Court. The International Criminal Tribunals for the Former Yugoslavia and Rwanda raised the standards of accountability for crimes of sexual violence against women, clarifying definitions of sexual violence and recognizing it as a weapon of war (including rape as an act of genocide). The Rome Statute of the ICC raised the standard even higher with its precise definitions for gender crimes within the categories of crimes against humanity and war crimes. (NY para. 39)

Transitional Justice and Accountability Mechanisms

- There is a critical need for transitional justice mechanisms to address gender violence in a conflict-affected country, shaped by the experiences of women survivors, until there is a functioning legal system. Specific mechanisms and procedures must be developed for the timely implementation of national truth commissions that adequately address the particular experiences and hardships encountered by women, children and vulnerable groups of a conflict-affected country, with particular attention given to sexual and gender-based violations. The mandates and procedures for such commissions and processes for prosecutions should be gender-sensitive and formulated only after collaboration with national women stakeholders and a thorough analysis of the gender implications specific to that situation.

- International tribunals and the ICC can play a useful role in the development of national accountability mechanisms. For example, the definitions of gender-based crimes, standards of investigation, and gender-balanced recruitment policies of the ICC, as well as the standards of accountability for sexual violence against women and the recognition of sexual violence as a weapon of war by the ICTY and ICTR, can serve as model guidelines and standards for a conflict-affected country in establishing accountability for gender-based violations. Existing tools and best practices (including, *inter alia*, the International Commission for Transitional Justice (ICTJ) Handbook on Gender and Truth Commissions, the best practices recorded at the UNIFEM/ILAC Conference, and the procedures established for the Peru Truth Commission) can also be used as models in the creation of accountability mechanisms.

- There is a need for further research and analysis of the linkages between offenses categorized as ordinary crimes and war crimes in a conflict-affected country, specifically in the area of gender-based crimes.

- National mechanisms, such as a high-level review panel, need to be established to ensure that governing authorities of a country are answerable for any misadministration of justice and to help provide gender justice accountability. One particular suggestion put forth was to include gender justice criteria within a government's reporting requirement for CEDAW.

- UN country teams should reach out to national stakeholders, both governmental and non-governmental, including women's networks, to assist in developing appropriate, country-specific policy frameworks for transitional justice mechanisms.

- In response to the need for transitional justice systems, the Swiss Government announced that it is designing a gender-sensitive mediation training course for constitutional lawyers, tailor-made for transition processes, which will aim to have women comprise at least 40% of those enrolled.

14. *To facilitate the transformation of national legal systems, substantial and long-term assistance from the international community remains critical for governments and women in post-conflict societies. This includes long-term judicial training for local judges, prosecutors, and public defenders... Much more legal capacity needs to be developed in post-conflict societies, including among women, in order to investigate and prosecute sexual-related crimes committed prior to the armed conflict or during the post-conflict stage. (NY para. 30)*

Legal Capacity

- There is an urgent need for ongoing financial support and expertise to enable training and continuing legal education to be provided to judges, prosecutors and defense counsel of a conflict-affected country to sensitize them and enhance their knowledge in the areas of violence against women and children.

- There is also an urgent need for resources to enhance programmes for increasing legal capacity and legal literacy in conflict-affected societies, particularly for women. In this regard, it was suggested that UNIFEM and ILAC programmes could be very helpful in terms of legal training and the review/revision of legal texts, and, more generally, legal literacy programmes.

III. Rehabilitation and Reform of the Judicial Infrastructure, Institutions (including Staffing and Service Conditions), and Processes to Enhance the Involvement of Women and their Access to Justice

15. *Building an effective infrastructure for a post-conflict national judicial system -- from adequately furnishing courtrooms and constructing prisons to strengthening the capacities of judges and eliminating corrupt practices -- is essential to advance the objectives of gender justice. In post-conflict situations, women typically have limited opportunities and encounter substantial obstacles to access the judicial system and, therefore, there is a need for a working and open judicial system if they are ever to enjoy equal access. Sooner than later, women need to be part of the design and decision-making process of such a system. But plans to finance the rehabilitation and reform of such national judicial infrastructures -- irrespective of the dire need of the resource-strapped, war-ravaged countries concerned -- remain very difficult to sell to the legislative appropriators of potential major donor states.... For example, the provision of defense counsel, and helping finance their work, is generally unattractive as a funding opportunity for donor governments and institutions. But it is essential for building a viable judicial system and merits far more financial support. (NY para. 40)*

Much-needed resources for judicial accountability, from office equipment and courtroom facilities to translation services and training of local judicial officers, remain grossly lacking in practically all post-conflict societies. (NY para. 41)

A small but important step in reforming the judicial infrastructure of post-conflict/transitional societies is to establish percentage quotas for women to be hired for emerging judicial bodies. (NY para. 44)

Institutional Support

- There is a need for the provision of early and sustained technical, material and financial support to ALL ministries of a conflict-affected country after the signing of a peace agreement, but such support is also needed for the judiciary and gender mechanisms across ministries.

- Financial support and operating resources need to be provided directly to women's ministries and women's groups. It was emphasized that even a small amount of money can make a big difference and that innovative women can make something happen out of practically nothing (as demonstrated in Liberia). In the case of Liberia, the Ministry of Gender and Development had no operating funds at the outset but, with a generator and a small amount of funding from UNIFEM, the Ministry was able to furnish a functioning conference room which they could rent out. The proceeds from the rental are enough to pay small salaries to the employees.

Special Courts for Sexual Offense Cases

- There is a pressing need for resources and support for special courts to be established to deal specifically with sexual offense cases. The Special Crimes Unit Courts of South Africa, which serve as specialized sexual offense courts and have a case closure rate nearly twice that of the ordinary magistrates courts, and the Fast Track Courts in Liberia for prosecuting rape crimes, exemplify the benefits of such courts.

IV. Increased Employment of, and Specialized Training for, Women Judges, Prosecutors, and Lawyers (including as Defense Counsel) as well as the Provision of Legal Education and Assistance for Female Citizenry

16. *Given the often-deficient level of educational opportunities afforded to women and girls in societies at the pre-conflict stages, education is the key to any progress for women and girls in a post-conflict society. Without timely, proper and equal educational opportunities, the chances are much greater for continued discrimination and abuse of women that undermines the rule of law as well as perpetuates the under-utilization of skills and capacities of half of the population. (NY para. 47)*

That said, one of the most distressing realities about prospects for gender justice in post-conflict societies is the rudimentary process so far undertaken, particularly by national bodies, to educate girls and women about the legal culture and their fundamental rights.... But years of greatly expanded basic education and judicial training will need to transpire before the international community can begin to de-prioritize this issue. In the meantime, more funding will be required from donor governments to support the basic educational needs of girls and young women, university curricula development, training missions for aspiring women lawyers, and technical assistance to help train the trainers for the long term. (NY para. 48)

Education of Women/Girls and Legal Training

- Greater emphasis must be placed on education for women and girls in a conflict-affected country, at all levels, including specialized training to inform them of their rights under national laws, conventions, and treaties as well as international standards and norms so that they can hold their government accountable.

- Increased involvement of women in a conflict-affected country in the design and delivery of legal education programmes and activities, as well as in legislative reform initiatives, can facilitate implementation of laws, conventions and treaties that promote gender justice.

- Specialized training is required for women judges, magistrates, prosecutors and defense counsel in areas relating to violence against women and children as well as relevant national and international laws and standards.

[See also comments in Sections V and VI]

V. Establish/Strengthen Government Institutions, Mechanisms, Policies and Strategies, as well as NGOs/Civil Society Organizations, to Specifically Focus on Redressing Gender-Based Disparities, Supporting Women's Needs and Advancement, and Increasing their Participation in Transitional Institutions and Processes (Political, Legislative, Electoral, Economic Reconstruction)

17. *Gender justice cannot be successfully pursued on a daily basis in a society emerging from conflict unless governmental institutions, mechanisms, policies, and strategies are devised and then implemented with strong political commitment by the national government and, when necessary, with adequate financial and technical support from international donors. That process will not unfold, however, unless women are enfranchised and assume positions of authority in government, the courts, the professions, and society at large. That can become a generational challenge. But for the early months and years of the post-conflict period, concerted efforts have to be made, with international pressure and support, to ensure that women are not marginalized in the critical institutions and decision-making processes that help frame how a post-conflict society addresses and protects the rights of all of its citizens. It remains critical to adequately support the work of non-governmental and other civil society organizations which are the backbone of effective on-the-ground implementation of gender justice objectives. The presence of a UN peace operation also can be used to encourage such support and apply leverage, when necessary, on governments. (NY para. 53)*

Participation of Women in Institutions and Processes

- It is critical for substantial financial and material support to be provided for dedicated gender mechanisms and local NGOs in order to increase women's participation in political, legislative, judicial, electoral and economic reconstruction processes and reform commissions. Ongoing international support for local women's organizations and initiatives, geared toward promoting local/national ownership and priorities, is also needed so that such organizations can act quickly when opportunities arise. It was noted that, when the Tsunami hit Sri Lanka, women's groups had flyers out within days warning of the potential for violence against women in the refugee camps. As a result, violence against women in the camps was greatly reduced.

- Technical, material and financial assistance is needed to support women candidates of a conflict-affected country for elected positions as well as to support political participation of women, at all levels and throughout all institutions of government, including in exercising their right to vote in elections. The international community should establish, in advance of post-conflict elections in a country, a trust fund to support the political participation of women. As a first step, the Global Coalition-Women Defending Peace announced that they are creating a fund to provide resources to women candidates in conflict-affected countries.

- Women in post-conflict countries must actively participate in the processes and mechanisms for developing or amending the constitution and electoral laws for the country, as well as push for the integration of gender-equality provisions therein. Security Council resolution 1325 and the relevant conventions pertaining to women in post-conflict situations could be utilized in framing such processes and mechanisms.

Gender Platform/Strategy

- The issue of the position of women in society is essentially a political question. If gender advocates are to have an impact, they must influence constituencies with a voice, those in power and those seeking power. Gender advocates need to strategize and work throughout each phase of the "transition

continuum" and not wait until the post-conflict phase; what happens before the post-conflict phase is also very important.

- National stakeholders must have a cohesive gender strategy with clear targets, and come to the table with a common gender platform. If national women stakeholders want to impact and influence negotiations, they must begin to mobilize women prior to negotiations. It is important to have a united platform on gender issues, owned by all women, across political, ethnic and religious lines, coming from all walks of life. It is therefore crucial that women's groups receive early and ongoing support to mobilize and formulate a comprehensive gender agenda and to continue advocacy among constituencies and the general population.

- Technical and financial assistance is needed to support efforts of grassroots women's groups to organize and develop an active women's movement to accelerate the advancement of women in conflict-affected countries.

- South Africa is a good example of how a coalition of women from parties across all lines mainstreamed gender into political movements and had a positive impact on every stage of the transition process. But, as powerfully recalled by South Africa's Minister of Justice and Constitutional Development, Ms. Brigitte Sylvia Mabandla, it must be noted that, from the very earliest stage of the transition process, extensive discussions and meetings took place among the women's groups of South Africa and women formed a united front to influence leadership across party lines. The experience of South Africa could be instructional in developing south/south support for women's groups and constituencies in other conflict-affected countries which are trying to mobilize women to impact on political processes, for example in Sudan.

South/South Cooperation

- There are important lessons to be learned from women in countries that have gone through or are currently going through transition, and there is a need for resources to facilitate such dialogue and exchange of information among women through south/south cooperation. Support should be increased for meetings among women and other key stakeholders from different conflict-affected countries and regions to discuss strategies and exchange best practices as well as obstacles and failures encountered in areas that impact on achieving gender justice in transitional and peace processes.

- International support is needed for a programme to bring key Liberian and South African women to Sudan to engage in a dialogue with Sudanese women and to strategize on how to include gender justice issues and perspectives in the peace process.

- The African Union has the political will (in 2002, the African Union adopted a policy of 50% representation of women at all levels) and desire to improve the situation for women in Africa, but requires international support and expertise to strengthen their efforts. The Global Coalition-Women Defending Peace offered the Alexandria Library as a potential venue for a regional meeting between the African Union and the Arab League to further discuss rule of law and gender justice initiatives and programmes.

VI. Improving the Socio-Economic Position of Women to Enhance Utilization of their Skills and Participation in Public and Economic Life (including in Transitional Institutions and Processes): Need to Address Factors Preventing Equal Access to Basic Public Services (e.g., Education, Health Care) and Economic Opportunities

18. *Because the status of women and girls prior to the war usually is so poor, and given the unique opportunities that arise in a transitional post-conflict situation to rectify this situation, the objective should be to achieve a much higher standard of living and influence for women and girls after the war. This means women should enjoy full participation in the economy and in the government, particularly in legal and judicial institutions, and also secure high-level decision-making positions, which would thus enable them to influence decisions that directly affect the welfare of women and children. Women must achieve higher percentages of representation in newly-formed legislative bodies as well as reform commissions and bodies (for example, legislative, judicial, constitutional, electoral) of post-conflict countries. (NY para. 59)*

Improvement of the Position and Status of Women

- The international community must explore ways to improve the quality of governance in post-conflict countries through the enhanced political participation of women at all levels and in all institutions of government, including through the provision of technical, material and financial assistance to women candidates vying for elected positions.

- More women need to be appointed to decision-making positions in government; specific language requiring percentage quotas for women's participation in executive, legislative, judicial and electoral bodies and reform commissions must be included in peace agreements.

- Needs assessments undertaken by the international community as well as donor programmes should give greater emphasis to the special needs and concerns of women and girls in a conflict-affected country, including through poverty reduction, health, education and empowerment strategies. Women and girls must have equal access to, *inter alia*, education and primary health care; access to reproductive health and child health care; equal opportunities in the economic sphere (with special emphasis on equal pay for work of equal value); and equal rights of property ownership and inheritance.

- Technical, material and financial assistance is needed to support women's active involvement in the economic sector; including in the ownership and operation of small businesses and non-profit enterprises.

VII. Increased Participation of Women in Peace-making Processes and the Negotiation of Peace Agreements as well as in Implementation Mechanisms and Processes

19. *Women must play a key role in the search for negotiated peace. Fundamentally-flawed negotiated peace agreements too often elevate male perpetrators of war crimes to high positions of power, immunize them from justice, and marginalize the role of women in the negotiations that vest so much power in such men....Women are overlooked in processes to form a new government and its institutions, and thus are deprived of key positions, including in the legislative and judicial realms. (NY para. 63)*

Role of Women in Peace-Making and Peace Agreements

- Gender equality is not just a human right but also an essential component of democratic development. True development can only be achieved if women are able to participate as equal partners, decision-makers and beneficiaries of the sustainable development of their societies. Security Council resolution 1325 established a comprehensive agenda on women, peace and security; it addresses, *inter alia*, the need for full and equal participation of women in peace processes and peacebuilding activities and underlines the importance of gender-sensitive training for personnel involved in peacekeeping operations. The international community must push for the implementation of the objectives and calls of resolution 1325 and relevant international conventions pertaining to women during negotiations for peace and the development of peace agreements in conflict-affected countries as well as during subsequent electoral law reform processes.

- To have accountability, peace agreements must uphold and promote gender equality and inclusion and refer affirmatively to resolution 1325. A gender-neutral peace agreement often means there is no gender framework, no targets set, and no time frame; the inclusion of women in the implementation of the agreement and its processes is voluntary and left to the discretion of the particular government (if any) and the political parties. Benchmarks in the peace agreement are needed as, without them, it is difficult to monitor or actually assess whether a country has made any progress in terms of gender equality and gender justice.

- Women stakeholders of a conflict-affected country must share a common goal for gender justice and participate in structures and processes throughout the transition to ensure that the needs and capacities of women are taken into account in constitutional and legislative reform, including reform of criminal laws (e.g., relating to domestic violence), laws governing economic and property rights, and family law. Women should not waste the window of opportunity afforded by these reform processes. The international community can provide invaluable support to national institutions as well as NGOs to promote women's equality and gender justice before and during the transition and peace processes.

VIII. Increased Participation of Women and Incorporation of Gender Dimensions (including Gender-Based Budgeting) in All Stages of the Conceptualization, Planning and Implementation of UN Peace Operations (including Rule of Law-Related Components), as well as in the Reporting, Evaluation and Monitoring of the Operations

20. *The strategic and operational planning for post-conflict UN peace operations and donor initiatives is so important that women -- both national and international -- must play a much greater role in these early efforts to restore basic institutions and services to meet the core needs of society and launch constructive initiatives. More women, including legal and gender justice specialists, as well as UN agencies such as UNIFEM, should be included in assessment missions, in part to strengthen early consultations with national stakeholders, particularly women, in the conflict-affected country.... In addition, those peace operations and agencies and programmes should have adequate numbers of gender justice specialists on their respective staff. (NY para. 70)*

Assessments for UN Peace Operations/Programmes and Donor Initiatives

- The UNIFEM/ILAC recommendation that more women, including legal and gender justice specialists, as well as UN agencies such as UNIFEM, be included in assessment missions for UN peace operations and programmes was fully endorsed.

- Needs assessments should be nationally-led and driven; national stakeholders, including the government, civil society and a broad spectrum of women's organizations should be equal participants in making the assessment and devising a strategy for assistance programmes and for the implementation of any peace agreement. The international community must recognize that there is much to learn from national actors and, ultimately, without national ownership, any such assistance or development programmes will fail.

- It is extremely important that gender justice issues be addressed at the earliest stages of the planning and assessment process for a peace operation and that sufficient resources are allocated to meet such requirements. It was stressed that, if gender justice issues are not integrated in the Secretary-General's proposed concept of operations for a new peace operation, they will likely not be covered in the Security Council resolution that authorizes the operation or in the budgetary plan approved by the General Assembly -- thus resulting in a peace operation that does not adequately address the needs of women.

- The expertise available within the UN system family to address gender justice issues must be better utilized during the assessment team process and should include participation by UNIFEM, the UN Office of Drugs and Crime (UNODC), the UN Children's Fund (UNICEF); and the UN Population Fund (UNFPA). Particular emphasis was given to the importance of drawing on UNIFEM expertise in the assessment process and in the programmes of peace operations, including to capitalize on its knowledge of national women's networks and requirements. The Swiss Government pledged its support for UNIFEM's inclusion in assessment processes and called on other countries to do the same.

- In undertaking assessments and developing gender-justice related programmes, the UN should actively partner with and involve outside rule of law/gender justice experts as called for in the 2004 Secretary-General's Report on the Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies (S/2004/616), the 2002 Report of the UN Secretary-General's Executive Committee on Peace and Security (ECPS) Task Force for Development of Comprehensive Rule of Law Strategies for Peace Operations, and the 2000 Report of the Panel on UN Peace Operations (the "Brahimi Report", A/55/305-S/2000/809). Coordinated assessments should include, for example, the World Bank, the African Development Bank, and ILAC, among others, who can bring their respective expertise to the process.

- The UN needs more effective channels for recruitment of outside rule of law/gender justice experts for both the assessment process and positions in peace operations. Specific terms of reference for such gender justice profiles/positions need to be formulated and broadly disseminated to identify such experts. The current recruitment procedure is a very time-consuming, cumbersome and competitive process, in which the needs and preferences of the national actors, particularly women and children, are seldom taken into account. It was suggested that ILAC could play a critical role in identifying potential experts for legal/judicial assessments of conflict-affected countries, including gender justice experts, from its worldwide membership of over three million judges, prosecutors and lawyers.

21. *The UN still lags far behind in appointing women to SRSG and DSRSG positions in peace operations or, for that matter, heads of substantive components. It is not enough to have a gender advisor on the staff of a peace operation, particularly if that individual has a middle-level status (such as a P-4 level) rather than a Director-level posting comparable to other ranking staff. The appointment of women in the top management of a UN peace operation, the inclusion of a high-ranking Gender Advisor supported by a well-resourced Gender Unit, and the integration of gender*

justice specialists in critical components would convey the image of the UN as a gender-friendly organization and instill gender-sensitive thinking at the very top of and throughout the mission. (NY para. 72)

For the objectives and calls of Security Council resolution 1325 to be effectively met, the gender-related objectives and programmes of a peace operation will have to be supported with sufficient financial and human resources and more women must be integrated into the command structure of the mission. Focus cannot simply be on the civilian staff and structure, because the Military Observers component, like the military contingent and civilian police components, is also woefully short of female members. Given the critical functions performed by the various components, including as role models to the local population, women should be included across all areas of the mission. (NY para. 74)

Putting Women in the Gender Justice Equation

- Women must play an integral role, at both the national and international levels, if gender justice is to be achieved in conflict-affected countries; women must be present in the police and prison services, among the judges, prosecutors and lawyers at all levels, and in the formal and informal justice systems.

- More women must be appointed as high-level representatives of the Secretary-General and actively participate in and influence the planning methodology and processes that guide the establishment of peace operations.

- The need identified in the UNIFEM/ILAC Conference for high-level gender specialists to be included in top management positions and among the staff of critical components of UN peace operations, agencies and programmes was fully endorsed. It was pointed out that a Gender Advisor (if there is one) in the UN peace operation and in the UN country team, is often a lower-level position, which limits its effectiveness.

- It was noted that there is often no clear concept or mechanisms spelled out to ensure in-country collaboration between UN agencies, funds and programmes and a deployed peace operation on programmes of assistance to support women, including to achieve gender justice. This often leads to turf battles in theatre, overlapping assistance programmes, and wasted resources -- all to the detriment of the women nationals who so desperately need support. One speaker proposed a pilot experiment, where an entity like UNIFEM, which has regional and country programmes to support women in many conflict-affected areas around the world, would be asked to take the lead in this area in a particular peace operation.

- Member States must push for the appointment of women in senior UN positions. There are many qualified women suitable for senior appointments, and Member States and others must continually submit to the UN the names of qualified female candidates.

22. *Each UN peace operation should be planned and assessed against a gender justice checklist drawn from Security Council resolution 1325. That would ensure increased high-level attention to gender issues both at the stage of the authorizing resolution and during subsequent related resolutions by the Security Council. There also should be far more substantive references to gender justice issues in reports of the Secretary-General to the Security Council on specific peace operations -- and in relevant thematic reports -- as well as in Security Council resolutions. Women's voices should be heard more frequently in meetings with Security Council members, including during Council missions to various conflict-affected regions. (NY para. 73)*

Gender Checklists

- UN Security Council resolution 1325 provides a framework for a holistic UN approach to promote gender justice in post-conflict societies but it is underutilized. The effective use of "gender justice checklists" drawn from resolution 1325 for the planning and assessmen. of UN peace operations could ensure increased high-level attention to gender issues both at the stage of the authorizing resolution and during subsequent related resolutions by the Security Council. It was noted, however, that each country presents unique circumstances and, to be effective, such a checklist must take into account the specific gender issues that impact on the situation of women in that country. The formulation and application of any checklist must entail consultation with national stakeholders, including the government, civil society and women's organizations.

IX. Measures to Enhance Responsibility and Accountability of UN Peacekeeping and Humanitarian Personnel for Proper Behavior vis-à-vis the Female Population in Deployed Areas: Establishment of Comprehensive Policies and Procedures to Prevent and Punish Sexual Exploitation and Abuse

23. *UN peacekeeping and humanitarian personnel have a special obligation not to violate the trust that women and girls -- many of whom are weakened and dependent on assistance in a post-conflict situation -- place in them. Not only is there no justification for any such UN personnel to engage in any sexual violence, abuse, or exploitation with respect to the local population, but there also should be zero tolerance of it given the position of trust UN personnel assume in that post-conflict society. Peacekeepers, particularly those in uniform as well as civilian police, become visible role models, admired and respected by the population, including by those carrying arms. Unfortunately, serious sexual misconduct, usually criminal in character, has been identified with such UN personnel (as well as other internationals) in post-conflict situations and severely undercut that respect. Simply put, gender justice must extend to such international guardians, namely, the UN peacekeeping and humanitarian personnel deployed to assist these post-conflict societies. (NY para. 76)*

It will be particularly important in the future for investigations of such incidents involving UN personnel to be aggressively pursued with well-qualified investigators trained to deal with sexual-related crimes and for prompt punitive action to be taken where fault is established. (NY para. 78)

Thoughtful and progressive rules on sexual misconduct and crimes were developed by UNAMSIL for troops stationed in Sierra Leone. They have enhanced how peacekeeping missions should apply policy and procedure to prevent the exploitation of women. These policies and procedures should be expanded and included in the training modules and operating rules for all peacekeeping missions. In addition, those UN personnel in charge of refugee and displacement camps should be properly screened so as to ensure that any person who been involved in such violations is not employed in key positions of power over those who are vulnerable. (NY para. 80)

Gender-Sensitive Training

- Resolution 1325 establishes a comprehensive agenda on women, peace and security and underlines the importance of the provision of gender-sensitive training guidelines and materials for all personnel involved in UN peace operations. There is a critical need to strengthen efforts to ensure that proper gender-sensitive training is provided for all staff of UN peace operations, and at all levels, and that accountability mechanisms are established for violations of policies and codes of conduct.

- The terms of reference for each Special Representative of the Secretary-General (SRSG) of a peace operation should explicitly refer to accountability for sexual violations, abuse or exploitation against women and girls.

Codes of Conduct

- Codes of Conduct must be developed for all personnel of UN peace operations, with specific emphasis on gender standards and issues. Training (pre- and post-deployment) should accompany widespread dissemination of the Code, which must include accountability for violations.

- It is imperative that the UN hear and pay adequate attention to the views and perspectives of women, especially concerning issues of trafficking and sexual misconduct. Had the lessons reported in the 2002 *Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peace-building* been heeded, many women may not have had to experience violations during later UN peace operations.

24. *While UNIFEM, together with UNDP and ILAC, will proceed with active follow-up to [the appeals made by the national women stakeholders at the Conference], a necessary further step should be the establishment of a high-level mechanism to determine what issues and recommendations raised at the Conference require follow-up action by the UN system as a whole as well as by Member States, regional organizations, non-governmental organizations and other relevant actors. Given the scope of the issues concerned, there could be a joint undertaking by the Security Council, the General Assembly, and the Economic and Social Council to support, or even spearhead, the establishment of such a high-level mechanism. (NY para. 93)*

Independent Review Panel for Accountability for Gender Justice

- It was stated that there is a lack of adequately robust accountability mechanisms throughout the compartmentalized high-level UN mechanisms and processes as well as the UN's legislative and inter-governmental bodies to ensure an integrated "one UN system" approach for promoting gender justice in post-conflict situations. To rectify this splintered approach and establish clearer and greater accountability on this issue at all levels, it was proposed by one speaker that the UN establish an "Independent Review Panel for Accountability for Gender Justice" to (i) examine the current UN structures, mechanisms and processes that deal with issues relating to gender justice to assess whether enhanced interface and collaboration is needed, and (ii) recommend measures that could be taken respectively by the Secretary-General and by the inter-governmental bodies for implementing a more integrated "one system" approach with adequate accountability safeguards. It was further proposed that, in undertaking such a review, the Panel should consider, *inter alia*, such factors as:
  - (a) the current terms of reference, composition, and reporting, monitoring and evaluation procedures for each body/mechanism and what amendments need to be introduced, including whether there should be consolidation in respect of certain bodies/mechanisms;
  - (b) whether institutional reforms are needed in terms of the current UN machinery engaged in programmes for the advancement of women and gender equality (the UN's "gender architecture"); and
  - (c) how the UN system could best facilitate implementation of the recommendations emerging from the UNIFEM/ILAC Conference and the Stockholm Meeting, and what type of follow-up/tracking mechanisms would be needed for that purpose.

X. Prioritization of Gender Justice within the UN System (including UN Peace Operations) and New Institutional Structures Needed to Accelerate Progress on the Gender Justice Front

25. *While individual UN entities may focus on gender justice objectives, and some UN entities may have staff positions relating to gender justice, there remains a major deficiency in terms of adequate organizational structures and staffing dedicated to gender justice as well as a huge gap in adequate coordination and prioritization among UN entities to focus on and advance gender justice objectives in the field. It is not enough for UN entities to have a few specialized mid-level or low-level staff specialists on gender justice. Too often the subject is pigeon-holed and rendered irrelevant to top-level decision-making or the staff specialist lacks sufficient rank to accomplish objectives. In addition to strengthening gender justice machinery at UN headquarters, more qualified women need to assume senior positions as Special Representatives of the Secretary-General and throughout peace operations in post-conflict countries, including as heads of components dealing with support to the legal and justice sectors of those countries. (NY para. 82)*

Prioritizing Gender Justice in the UN System's Activities

- There can be no gender justice in a post-conflict country if there is no justice to begin with. The UN and the broader international community must devote more effort, attention and resources to establishing and promoting the rule of law in post-conflict states.

- Gender justice cannot be bargained away as a soft chip for realizing other political and operational gains. Gender justice must be a driving force and seamlessly integrated throughout the UN system's activities in all stages of transition from conflict to sustainable peace and development -- from humanitarian emergency assistance, to peacemaking and peacekeeping, to peacebuilding and reconstruction -- and it must entail adequate consultation with a range of national stakeholders, especially women.

- There is a need for increased participation of women at all levels of the process, particularly in high-level positions that influence the planning methodology that guides establishment of the peace operations and reconstruction efforts. Greater emphasis must be placed on the need for the UN to appoint more women as Special Representatives of the Secretary-General (SRSG).

- UN country teams in conflict-affected countries need to enhance their efforts to reach out to and consult with national stakeholders, both governmental and non-governmental, including those in national institutions, professional groups and women's networks.

26. *In transitional post-conflict situations, the UN should have a dedicated structure or mechanism to focus on coordinated assistance to be provided for justice systems and related institutions of such countries, including those needed to address gender justice requirements. There should be a separate and adequately-resourced office in the UN system that deals with such rule of law and gender justice issues under a methodology that is subscribed to by all relevant UN players and that takes account of both (1) the needs and views of the national stakeholders concerned, and (2) the expertise and resources available outside the UN system. In this connection, particular attention needs to be paid to the issue of financing needed for UN programmes to adequately address gender justice requirements in post-conflict situations. Such programmes are almost always under-funded... (NY para. 83)*

Peacebuilding Commission

- The Peacebuilding Commission being considered by the General Assembly offers a great opportunity to, at last, develop long-term and comprehensive strategies for building peace in conflict-affected countries, and bring together all the key international and regional players to support and address the needs of national stakeholders. As currently envisaged, the Peacebuilding Commission appears "gender neutral". If it is to contribute to a truly comprehensive and integrated approach to peacebuilding, the Peacebuilding Commission should take account of gender perspectives and issues, as well as the particular needs and capacities of women, in every aspect of peacebuilding and reconstruction in a country.

- The Peacebuilding Commission could give the issue of justice for women unprecedented visibility and support. It is vital that Member States advocate for gender considerations to be included in the agenda of the Commission.

- UNIFEM's work should directly contribute to the goals and activities of the Peacebuilding Commission and its support office.

Rule of Law Assistance Unit

- The UN must significantly improve its procedures and mechanisms for supporting the rule of law and transitional justice in post-conflict situations.

- It was noted that the establishment of a Rule of Law Assistance Unit was recommended in the 2005 Secretary-General's report *In Larger Freedom: Towards Development, Security and Human Rights for All* (A/59/2005) to assist national efforts to re-establish the rule of law in conflict and post-conflict societies. It is crucial that gender perspectives be fully integrated from the outset into the work and procedures of any such Unit, and that benchmarks are included to monitor progress.

- The Rule of Law Assistance Unit should draw on the expertise of UNIFEM, and other relevant UN entities, in its work.

27. *Too often, initiatives launched in post-conflict countries fail due to lack of coordinated and continued international support that takes account of the views and priorities of national stakeholders, including women. It is essential that international funding and technical assistance be sustained for gender justice objectives throughout and beyond the immediate post-conflict period, which must include adequate consultation with a comprehensive range of national stakeholders, including women in the judicial/legal sectors as well as victims. This includes donor support and focused attention by the UN system to overcome the wide range of physical injuries, psychological and emotional trauma, and property damage suffered by women during armed conflicts. (NY para. 84)*

Long-term and Stable Funding for Gender Justice Priorities

- Justice for women in a conflict-affected county does not come cheap. Gender justice priorities cannot be funded on a "scale of convenience" or from what is leftover in the budget after other requirements are met. Support and funding must focus on addressing the most pressing needs of women in that country, based on their perspectives -- including those of women who are widowed, victims of war, victims of sexual violence, and ex-combatants -- and not as seen from an international perspective.

- The UN system is well-positioned to contribute to improving the situation of women in conflict-affected countries but the cumulative knowledge and expertise within all UN agencies, funds and programmes will only be efficiently utilized if sufficient funds are raised.

- International attention and resources devoted to rule of law, transitional justice, and gender justice issues must be significantly increased; at present, there is simply not enough budgeted or donor funding for programmes in these areas. There is also an ongoing need for more coherence, coordination and transparency in the actions, roles and programmes of UN entities, donors, IFIs and NGOs working in these areas.

- There are several mechanisms within the World Bank that can be used for financing assistance for gender and gender justice, including (a) post-conflict grant facilities, where member countries or other institutions can request money for countries coming out of conflict; (b) multi-donor trust funds administered by the Bank; and (c) the Institutional Development Fund, which is a grant fund to build the capacity of countries in areas which include legal literacy, legal education, legal training (particularly for women) and strengthening women's rights.

- Donor support for collaboration among women from various conflict-affected countries through south/south and regional cooperation is needed. The success of such cooperation between Brazil and Haiti was noted, and there was an appeal to support the request for regional collaboration among the women of Liberia, South Africa and Sudan.

- Funding for UNIFEM is voluntary, and increased support is urgently required for the initiatives set out in UNIFEM's "Donor Proposal for Follow-Up to the Conference on Gender Justice in Post-Conflict Situations" as well as for UNIFEM's Gender Justice Programme Proposals for Afghanistan, Liberia and Sudan (which were distributed to participants).[5] The women ministers/representatives from Afghanistan, Liberia and Sudan each presented a strong appeal to donors for resources to support implementation of the UNIFEM gender justice programme proposals for their respective countries.

28. *UN bodies, regional organizations, and other international entities must collaborate more closely and frequently on gender justice objectives with local non-governmental organizations, relevant professional groups and academic institutions engaged in training women judges and lawyers, with networks of women spanning society, and with men to help change attitudes, curb domestic violence, and ensure the full participation of women in the post-conflict period and beyond. The Partners for Gender Justice Initiative has now been launched, being spearheaded by a group of interested Member States and some non-*

[5] These three gender justice programme proposals employ strategies in line with UNIFEM's Multi-Year Funding Framework (MYFF) for 2004-2007, utilizing the following four core strategies to address gender justice concerns:

(1) Capacity building of law enforcement agencies, judicial institutions, women's organizations and other civil society groups is central. The internalization of and awareness raising on the importance of gender justice issues is a primary action that will build greater commitment to law reform, quality analysis and application.

(2) A strong focus on advocacy is essential for building a gender justice movement in a country. Such advocacy will be especially centered on integrating gender equality and women's rights issues in constitutional and legislative reform, including property and land rights law reform, and ending impunity related to violence against women.

(3) Evidence-based policy influencing is essential to ground the advocacy and provide case studies for capacity-building actions.

(4) A communication and media strategy integral to the programme is a critical means for dissemination of information, amplifying community voices, and sustaining the advocacy action.

governmental organizations with ongoing UNIFEM and ILAC support, to further the gender justice agenda and forge "gender justice partnerships" in the context of post-conflict peacebuilding. Under the umbrella of this Initiative, the idea was raised to form a smaller expert group on gender justice that would develop proposals on how best to engage in post-conflict situations on gender justice issues. Senior UN officials should ensure that this Initiative is supported by their respective agencies, funds and programmes and that the participation of local and international non-governmental organizations is encouraged. (NY para. 85)

Partners for Gender Justice Initiative

- It was agreed that the Partners for Gender Justice Initiative, launched at the UNIFEM/ILAC Conference, will be initially co-chaired by two Member States, Sweden and South Africa, with support from UNIFEM and ILAC.

- It was noted that the Partnership for Gender Justice Initiative could provide global advocacy for gender justice as well as facilitate the provision of international/bilateral support to national stakeholders of conflict-affected countries.

- It was proposed by one participant that the Partners for Gender Justice Initiative take Sudan as a pilot case study to explore how the Initiative can be most effective, and should specifically entail bringing together key women from different conflict-affected countries in the region to discuss the way ahead for promoting gender justice in Sudan.

Best Practices in the Gender Justice Area

- Taking note of the "best practices" that had emerged in various conflict-affected countries in the gender justice area as outlined in the UNIFEM/ILAC Conference report, there was widespread support for a mechanism to enable shared learning and the exchange of best practices in the gender justice area.

- As a follow-up to the UNIFEM/ILAC Conference, ILAC agreed to draw on the expertise of its worldwide membership of judges, prosecutors, lawyers and bar associations to provide, in cooperation with Haiti's Ministry of Women's Affairs, a compilation of "best practices" around the world relating to legislation and legal mechanisms to combat sexual discrimination and sexual violence. The compilation of best practices will be presented to the Ministry to determine whether any of these options/measures may be suitable for Haiti. It was proposed that the provision of such "best practices" for use in Haiti could serve as a pilot project for the exchange of best practices on various other gender justice issues for use in conflict-affected countries; ILAC will continue to further develop this type of assistance in close cooperation with UNIFEM and other UN entities.

29. *In addition, at least two other proposals have been advanced for the UN to make better progress in advancing gender justice in its work. These include the establishment of: (1) a task force at the highest levels of the UN to seriously address mainstreaming gender into justice-related programmes; and (2) gender justice working groups at UN headquarters and in the field to support a more coordinated UN role in assisting post-conflict countries in the development of gender-sensitive judiciaries, criminal justice systems, legislation and constitutions, and to promote economic and social rights. (NY para. 86)*

"One System Approach" for Promoting Gender Justice

- The UN system must adopt a more holistic and inclusive "one system approach" for promoting gender justice, which will require increased linkages between -- and perhaps entail integration

of -- the very separate and compartmentalized mechanisms and processes currently used to review issues falling within the respective humanitarian, development, and peace and security spheres or, more broadly, within the conflict or post-conflict spheres.

- The UN must ensure that priority gender justice needs of national stakeholders are treated as an integral factor in all stages of the planning and implementation of peace operations, which requires clarification of the respective roles of the UN agencies, funds, and programmes (as well as the international financial institutions) vis-à-vis such an operation. It is essential that UNIFEM be involved in this process.

- There is a need in the UN for both gender mainstreaming in programmes and specific dedicated initiatives in order to best address and support gender justice requirements of post-conflict countries.

- It is vital to mobilize gender justice advocates across the UN system, Member States, regional organizations and civil society; it is not enough to have only women and women's organizations involved in this struggle which also needs male leaders. Men at all levels, specifically high-level men in positions of power, must join the struggle for gender justice. In this regard, the Stockholm Meeting discussions benefited from the participation of a number of high-level men representatives, including the Special Adviser to the United Nations Secretary-General, Mr. Lakhdar Brahimi.

30. *UN bodies, regional organizations, and other international entities must collaborate more closely and frequently on gender justice objectives with local non-governmental organizations, relevant professional groups and academic institutions engaged in training women judges and lawyers, with networks of women spanning society, and with men to help change attitudes, curb domestic violence, and ensure the full participation of women in the post-conflict period and beyond. (NY para. 85)*

The promotion of gender justice in post-conflict situations requires a multi-sectoral approach that draws on the expertise and contributions of all key stakeholders at the international level and, most importantly, at the national level. At the international level, the individual mandates of UN bodies that are engaged in supporting transitions to peace require specific inputs relevant to gender justice at different stages of a transition process and a sustained commitment over the long term. . . . The scope and sequence of gender-related activities will vary between missions and countries. This means that integrated planning and implementation, involving all relevant UN players -- including UNIFEM and other agencies operating in the field -- is vital, so that the range of activities undertaken in any one mission or country harnesses the comparative advantage of the different actors in order for efforts to be successful. (NY para. 90)

Collaboration and Coordination among International and National Partners

- The need for a partnership approach to address and support gender justice requirements of conflict-affected countries is crucial -- between key stakeholders within conflict-affected countries; between conflict-affected countries and the international community (including the UN, regional organizations, donors, international financial institutions, NGOs); and within civil society. To be more effective, the international community must make a greater effort to coordinate, to avoid duplication of efforts, and to establish inter-linkages between programmes. It was noted, as an example, that the synergy and cooperation established by the Interim Cooperation Framework in Haiti is something that should be fostered for the future.

- With regard to providing assistance and support for strengthening the different legal systems of various post-conflict countries, it was noted that there is often a gap in capacity within the international community to be able to provide timely assistance in such countries. It was suggested that specialized NGOs with legal and judicial expertise across systems, like ILAC, could provide assistance to such countries and also contribute to a broader understanding of these different legal systems among donors and other international actors.

C. CONCLUSION

31. In the context of the ongoing process of UN reform, the participants of the Stockholm Meeting spoke with one voice: greater and more coordinated attention must be given to rule of law and gender justice requirements of conflict-affected societies, including throughout all levels and bodies of the UN; national women stakeholders, gender justice experts and UNIFEM expertise must be included in assessment and planning processes of UN peace operations and assistance programmes; accountability mechanisms for gender justice, at the national and international levels, are critical, and more sustained and long-term funding and resources must be allocated to meet gender justice requirements. The upcoming 2005 World Summit of the General Assembly in September, as well as the upcoming Security Council debate in October on women, peace and security to mark the fifth anniversary of resolution 1325 (2000), provide critical and timely opportunities for the UN to again shine a bright light on the importance of addressing gender justice requirements of post-conflict societies and to develop long-term strategies for making progress.

32. When the Security Council adopted resolution 1325 five years ago, the light shone bright on the need to mainstream gender justice and gender equality in conflict prevention, conflict resolution and peacebuilding processes, including UN peacekeeping operations, and to ensure gender balance in UN leadership and decision-making positions. It is with great hope and expectation that today's pressing requirements to strengthen rule of law and gender justice in conflict-affected countries, as well as the recommendations on gender justice that emerged from both the UNIFEM/ILAC Conference and the Stockholm Meeting, will be given serious consideration by the members of the General Assembly and the Security Council, as well as other key actors in the UN system, in developing long-term strategies for building peace in such countries -- but strategies that effectively advance implementation of resolution 1325. Women in conflict-affected areas worldwide deserve such action.

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Letter dated 24 October 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 21 October 2005, addressed to you by Reşat Çağlar, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 19, and of the Security Council.

(*Signed*) Ersin **Erçin**
Minister Counsellor
Deputy Permanent Representative
Chargé d'affaires a.i.

05-56976 (E) 261005

Annex to the letter dated 24 October 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to refer to the letter dated 14 October 2005, addressed to you by the Greek Cypriot representative and circulated as a document of the General Assembly and of the Security Council (A/60/434-S/2005/654), which yet again contains allegations of violations of the "airspace of the Republic of Cyprus" and of the "flight information region of Nicosia", and to bring to your kind attention the following:

In response to such false and pretentious allegations, I wish, once again, to reiterate that flights within the sovereign airspace of the Turkish Republic of Northern Cyprus take place with the full knowledge and consent of the appropriate authorities of the State, over which the Greek Cypriot administration in South Cyprus has no jurisdiction or right of say whatsoever. Furthermore, it should be emphasized that allegations of so-called violations of the flight information region or violations of air traffic regulations are invalid, as the civil aviation authority of the Turkish Republic of Northern Cyprus is the only authority competent to provide air traffic and aeronautical information services.

As stated in our previous letters, such allegations are based on the false and illegitimate claim that the sovereignty of the Greek Cypriot administration extends over the whole island, including the territory of the Turkish Republic of Northern Cyprus. This claim by the Greek Cypriot side is divorced from the existing realities in Cyprus, namely, the existence of two independent States, each exercising sovereignty and jurisdiction within and above its respective territory on the island.

Attempts by the Greek Cypriot representatives, through often-repeated false claims, to confer legitimacy upon an illegal administration will be futile as long as the Turkish Cypriot people refuse to bow to its writs. What would indeed be conducive to a better climate on the island would be for the Greek Cypriot side to stop arrogating to itself the rights and responsibilities it does not legally have, and to cease all hostilities towards the Turkish Cypriot people.

The Greek Cypriot administration should be reminded, once again, that its counterpart is, and has always been, the Turkish Cypriot side, not Turkey. Following the rejection by the Greek Cypriot side of the United Nations settlement plan last year, the international community in general and the United Nations in particular is expecting positive moves from the Greek Cypriot administration demonstrating its political will and sincerity for a fair and just settlement in Cyprus. As a first step, the Greek Cypriot administration, without further delay, should heed your call and pronounce itself with "clarity" and "finality" on the question you have put to it.

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 19, and of the Security Council.

(*Signed*) Reşat **Çağlar**
Representative
Turkish Republic of Northern Cyprus

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Letter dated 25 October 2005 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I wish to bring to your attention a series of grave violations of the military status quo perpetrated recently by the Turkish Occupation Forces in Cyprus, including an unprecedented incident of pointing of weapons at the Force Commander of UNFICYP, Major General Herbert Figuli, and other members of the Force, in the buffer zone area of Louroujina, on 31 August 2005 (at around 6.30 p.m.).

Specifically, on 16 August 2005 the Turkish Occupation Forces in Cyprus suddenly began construction of a new guardhouse in the militarily sensitive area of Louroujina and some days later placed a warning signpost and two flagpoles by the road in the buffer zone leading to the said guardhouse. In total disregard of several repeated demarches and protestations of UNFICYP, both on the ground and to the political and military leadership of the Turkish side, the Turkish Occupation Forces continued the construction work for several days, in a confrontational and provocative manner towards UNFICYP personnel present in the area, culminating on 31 August 2005 with the aforementioned gun-pointing incident against the Force Commander and members of UNFICYP, in the presence and under apparent instructions and encouragement of high-ranking officers of the Turkish army.

Notwithstanding the removal, following the demarches of UNFICYP, of the warning signpost on 19 September 2005, the violation of the military status quo persists since the new guardhouse offers possible operational advantages to the Turkish Occupation Forces, in an area where the latter have a long record of moving forward across their ceasefire line into the buffer zone, especially in the period from 1976 to 1989. The attempts of the Turkish Occupation Forces to justify post facto the building of the new guardhouse on claims of controlling illegal crossings in the area are, in fact, nothing more than an effort aimed at diverting attention from the military aspect of the said construction.

It should be noted that the violation of the military status quo in Louroujina constitutes the latest development in a series of other violations perpetrated by the

Turkish Occupation Forces during the last six months, in an obvious effort to enhance their military capability, as summarized below:

- In April 2005, the Turkish Occupation Forces constructed a reinforced observation post on the heights of Stavros in the area of Lyndrisi.
- In May 2005, the Turkish Occupation Forces installed a high powered surveillance system, ASKARAD 7910, just opposite the observation post of UNFICYP, in the area of Kokkina.
- On 2 August 2005, the Turkish naval vessel TCG 643-6 (P-308) placed buoys in the territorial waters of the Republic of Cyprus in the area of Kokkina, in an attempt to extend the ceasefire line seaward.

Full details on these violations of the military status quo have been duly reported to UNFICYP by the competent authorities of the Republic of Cyprus.

It should also be noted that in August 2005 the Turkish army opened the southern of the fenced area of Varosha for usage, in violation of the status quo of the area and relevant Security Council resolutions, including resolution 550 (1984), which calls for the transfer of Varosha to the administration of the United Nations. In that regard, it should be recalled that the United Nations held the Government of Turkey responsible for the fenced area of Varosha.

The aforementioned violations constitute the latest additions to the long list of previous provocations by the Turkish army, including the illegal activities in Strovilia since 2000, when the Turkish Occupation Forces violated the military status quo by moving forward across their ceasefire line into the buffer zone. In that case, relevant Security Council resolutions have repeatedly urged the Turkish Occupation Forces to restore the status quo ante in the area, but to no avail.

Moreover, it should also be mentioned that on 13 October 2005, two F-16 and two RF-4 Turkish military aircraft flying in a single formation violated three times international air traffic regulations, and once the national airspace of the Republic of Cyprus. Initially they entered the flight information region (FIR) of Nicosia from an easterly direction (FIR of Ankara) without prior notice, and then flew perimetrically along the south coast of Cyprus at a distance of 17 nautical miles, the distance was reduced to 10 nautical miles over the Akrotiri area. The four aircraft violated the national airspace of the Republic of Cyprus, flying over the occupied area of Karpasia before exiting towards the FIR of Ankara. It is also noted that while in the south-east part of the FIR of Nicosia the formation entered an activated dangerous zone (LCD3) where five British aircraft were involved in a military exercise.

Furthermore, on 14 October 2005, two F-16 and four RF-4 Turkish military aircraft, flying in a single formation, twice violated international air traffic regulations and twice the national airspace of the Republic of Cyprus. Initially they entered the FIR of Nicosia from the FIR of Ankara without prior notice and then overflew perimetrically along the south coast of Cyprus at a distance of 14 nautical miles and at 10 nautical miles while approaching the Akrotiri area. The formation violated the national airspace of the Republic of Cyprus flying near the Akrotiri area and over the occupied area of Karpasia before exiting towards the FIR of Ankara.

In both of these incidents, the Turkish military aircrafts did not make contact with the Nicosia flight control nor did they submit flights plans to the competent

authorities or request the appropriate clearance permission, thus posing a serious threat to civil aviation in the area.

It is all the more regrettable, as well as conspicuous, that this pattern of violations of the status quo and acts of provocation by the Turkish Occupation Forces have occurred during a period where Turkey's long-sought European Union aspirations were about to take a quantum leap forward, with the opening of accession negotiations. Instead of promoting its occupation policy, Turkey should now seek ways of cooperation to achieve a mutually accepted and lasting settlement to the Cyprus issue, in accordance with relevant United Nations resolutions, contributing to the maintenance of stability and prosperity in the region.

On behalf of my Government, I would like to strongly protest the aforementioned pattern of violations of the status quo by the Turkish Occupation Forces in Cyprus and hereby call for their immediate cessation and the restoration of the status quo ante.

It should be stressed that the maintenance of the ceasefire and the military status quo remains the primary function of UNFICYP, in accordance with the mandate of the Force, as defined by Security Council resolution 186 (1964) and subsequent resolutions. In that regard, the Government of the Republic of Cyprus expects that UNFICYP will take all necessary measures and actions for the implementation of its mandate, and evaluate ways and means for the handling of this kind of situation, within its recently amended concept of operations and force levels.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 19, and of the Security Council.

(Signed) Andreas D. **Mavroyiannis**